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REASON

Free Minds and Free Markets™

January 1996

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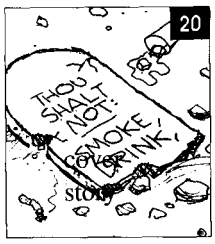

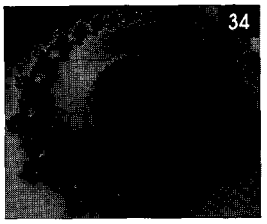

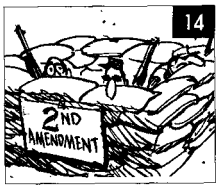

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Abreast of History

By Virginia I. Postrel

Believe it or not, breast implants are more important than the New Hampshire primary.

THE VERY IMPORTANT CONSERVATIVE had read the October issue of REASON and had only one comment: "You had that eight-page article on breast implants." He has a very expressive voice, ironic and amused, so while he didn't actually roll his eyes, it seemed as though he had.

And the reaction made a certain kind of sense. Eight pages is indeed a long article, especially when it's full of science talk. In the heady days of the Gingrich "revolution," with Republican realignment one critical presidential election away, breast implants may seem both silly and dull—a subject of interest only to bimbos and nerds. Very Important Conservatives, and their less important friends, have much more serious, much more interesting concerns.

Or so they think.

Breast implants are in fact neither dull nor silly. They are a lot more important than what sort of art the National Endowment for the Arts funds or whether it even exists. More important than a $500-per-kid tax credit or a capital gains tax cut. More important than the survival of the Commerce Department, the future of public television, or whether the U.S. embassy moves to Jerusalem. More important, in other words, than 95 percent of the issues that consume the conventionally wise on any given Washington day. To understand why, however, you have to think about a future beyond the New Hampshire primary, Internet hype, and next month's mortgage payment.

Right now, breast implants symbolize the power politics of the Food and Drug Administration and the breakdown of the tort system. This is a nice, comfortable significance that even Washington understands, one that generates money for think tanks working on legal reform. It makes a terrific *Fortune* cover story. And it is, indeed, worth pointing out.

There never was any credible evidence linking implants to major diseases. Yet juries made multimillion-dollar awards to women claiming they'd gotten sick from their implants, and the FDA imposed a moratorium on most sales. (*Post hoc ergo propter hoc* is the first fallacy they teach in logic, but just try getting on a jury if you've ever studied logic.) Now we have good evidence that implants don't cause the maladies for which they've been blamed. And the exculpatory studies keep coming; two new ones were presented at the annual meeting of the American College of Rheumatology.

On October 22, that group issued an official statement declaring that "studies provide compelling evidence that silicone implants expose patients to no demonstrable additional risk for connective tissue or rheumatic disease. Anecdotal evidence should no longer be used to support this relationship in the courts or by the FDA." But neither juries nor the FDA are listening to the experts.

Exactly one week later, in fact, a jury in Nevada awarded $4.1 million to a woman who claimed she'd gotten immune-system and neurological diseases from her implants. The defendant, Dow Chemical, hadn't even made the implants; it had just done general studies on silicone for Dow Corning, a joint venture with Corning Glass Works. It's as though the Simpson jury had convicted Kato Kaelin, Rosa Lopez, and that famous barking dog. Proximity was more important than proof.

Meanwhile, the war on implants is causing collateral damage. Silicone itself has become a casualty. Science suggests it's a benign, useful substance, vital to all sorts of medical products. Jury awards say otherwise. So products that use silicone—

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from brain-fluid shunts to artificial joints—are in trouble. Supplies are drying up, going only to wealthy manufacturers that agree to assume the risk of future litigation. And even they pay dearly; prices have risen as much as 700 percent.

This is all very odd. After all, people claim all sorts of things make them sick, and sometimes they even hire lawyers. Some of the alleged culprits are products of modern technology: synthetic fibers, computer keyboards, power lines. Rarely, however, does the tort bar succeed in turning such allegations into huge awards. And even more rarely does it get the de facto support of the FDA.

Something different is going on with breast implants: They are frivolous, and they are biological. They are overt attempts to overthrow nature, to use the mind to reshape the body, to alter genetic destiny without giving a good reason. They are not "vital needs," like fibers, keyboards, or electricity.

IN 1990, I GAVE A RAMBLING, NOT-TERRIbly-good speech at the Heritage Foundation. The subject was green ideology. In passing, I predicted an inevitable legal attack on cosmetic surgery: too artificial, too unnecessary, too risky, too destabilizing—too much like every other ambitious creation of dynamic technological culture. If you exalt "nature" and crave stasis, you cannot allow such creations to go unchallenged. Our static reactionaries would get to plastic surgery sooner or later, of that I was certain.

Two years later, I spent my birthday defending breast implants on *Crossfire*.

We will see more such challenges. As scientists and inventors push the frontiers of biology, what people want (and can get) and what technocratic paternalists approve will increasingly diverge. Beauty is not a value recognized by the FDA. Neither is excellence or autonomy.

Traditional medicine and its regulatory progeny disapprove of risks, except to restore what's "normal." When cosmetic surgeons tried to define flat-chestedness as a disease—the better to cram breast augmentation into the healer paradigm—they looked like manipulative fools. Their article became a smoking gun to feminists who saw implants as a patriarchal plot. But the very attempt shows what's "wrong" with implants in the eyes of the law: They're designed not to fix a disease but to improve what's normal. Repair is OK; improvement isn't. That's why the FDA still allows silicone gel implants for post-mastectomy reconstruction.

Yet normality is, to a great extent, in the eye of the beholder. For millenia, infertility was a curse, a condition that made women worthless. Now we spend millions to induce it, with surgery and pills, shots and implants. We want control of our bodies; nothing could be more human—or more abnormal. Norplant is next on the tort lawyers' lists. If they succeed, no one will bring new contraceptives into the American market.

"CHANGE IS A BEAUTIFUL THING," SAYS the ad for disposable color contact lenses. The model's green eye becomes brown, blue, violet. "Even if your vision is perfect. Anytime the mood strikes you," suggests the ad. "Change is free…Change is good."

Change will get you in trouble. Change is what this whole debate is about.

Contact lenses are dangerous. I know this from painful personal experience—a scratched cornea almost certainly brought on by sleeping in disposable extended wear lenses. Those lenses are among the greatest inventions of the late 20th century. And I still sleep in mine, happy that when I awake in the night the world will not be a blur.

Isadore Rosenfeld does not approve. Dr. Rosenfeld is, fortunately, not a federal regulator but the medical columnist for *Vogue*. He declares that three of the four specialists he consulted say sleeping with such lenses in "is not safe."

"My own position," Rosenfeld writes, "is that removing the lenses at night takes no more than a minute or two, and, after all, you don't need them while you're sleeping (unless you're having near-sighted dreams)."

This is the attitude that rules our public policy: A distant doctor decides for the rest of us that the hazards are great and the benefits trivial, that people who sleep in their lenses are ignorant or lazy. He suggests that safety is an absolute, that he can declare a product "not safe." And he assumes that he has all the relevant information needed to determine whether I, someone he has never met, should sleep in my contact lenses.

It is a short step from such attitudes to a product ban. Hence the fate of breast implants.

RIGHT NOW THESE ISSUES SOUND TRIVIAL, concerned as they are with eye color or breast size, the stuff of fashion magazines. Perhaps if intelligence were at issue, or height, or baldness, or skin color, or longevity—perhaps then Very Important People would care.

Those days will come—and soon. The Biological Century is upon us, as Greg Benford noted in these pages. (See "Biology: 2001," November 1995.) The body, not the Internet, is the next frontier. We are extending control over life itself, over *our* lives ourselves. That control will, undoubtedly, have some unintended consequences, and bring some tragedies. That is in the nature of things, the nature of life. But so is the attempt to better nature, to bring the born into the realm of the made, to assert human ingenuity against chance.

The debate over breast implants is only incidentally about the venality of lawyers or the benefits of a C cup. It is about who we are and who we may become. It is about the future of what it means to be human. Pretty dull stuff by Washington standards.

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Party On, America

By Brian Doherty

Many parties are good for the nation's political health.

THE SPECTER OF THIRD PARTIES IS haunting the American political landscape this year and its eerie noises are ringing convincingly for once.

Many signs point to the ghost's presence: Ross Perot's money is so far surmounting the considerable obstacles the political establishment places in the way of upstarts. Erstwhile senatorial wise man Bill Bradley publicly muses about an independent run for president. The left mumbles continuously that its interests are not truly represented by the Democratic Party; the Republican Party is heading for a schism over the power of the religious right and Buchananite economic populists. An October Times-Mirror poll shows nearly 60 percent willing to vote for a non–major-party candidate. After Perot's success in 1992, the throw-the-bums-out fervor represented by the term limits movement, and 1994's congressional upheaval, never in living memory have conditions seemed more propitious for a real realignment in the ossified two-party system.

The response to this spooking from the traditional political/intellectual establishment, as represented by political scientist Theodore J. Lowi writing in *The New York Times*, is to assure us that the ghoul is more Scooby-Doo than H.P. Lovecraft: really something quite sensible and understandable. It's merely a desire, Lowi proclaims, for another party that's just like the two we already have: a "centrist" party to capture voters that our current two parties can't.

Those who want a center-left, generous government that isn't too bureaucratic, doesn't tax too much, and isn't controlled by special interests want something that they can never have. That fantasy is, however, the only positive image of government to which the typical newspaper-reading American is ever likely to have been seriously exposed. The range of ideas of what is possible in politics is all too centered on our current major-party electoral options, and those options are quickly losing their ability to satisfy.

The Times-Mirror survey both indicates the growing dissatisfaction with the big two parties and casts doubt on Lowi's thesis: While roughly 20 percent of the electorate gives allegiance to neither major party, these voters are not waiting to be drawn into some new centrist third party. As the *Los Angeles Times* reports, the dissatisfied "agree on very little other than alienation from Republicans and Democrats and from the government itself."

Those 20 percent are particularly ill-served by the two-party stranglehold on both elections and the respectable selling of political ideas, which rarely get discussed in this pragmatic nation unless associated with electoral politics. Consequently, these voters don't get exposed to the ideas about government that might satisfy them.

We shouldn't assume, however, that the other 80 percent of Americans are totally happy either. Strong ideological schisms are growing within the major parties too—among libertarians, Buchananites, and religious rightists in the GOP and Naderites, Rainbow Coalitioners, and DLCers in the Democratic Party.

LOWI DOES HAVE AN IMPORTANT POINT: Only a party centrist enough to split ideological differences among tens of millions of disparate voters has a real chance of building the apparatus that could allow it to win under our first-past-the-post,

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winner-takes-all electoral system. But to think America needs only a third party that can win misunderstands the important role of third parties in America's past—and possibly its future.

Historically, third parties have served three main purposes: First, as repositories of cutting-edge ideologies that eventually succeed in influencing and changing the two big parties; such alternative parties include the Free-Soil Party and the People's Party, or Populists. Second, as temporary homes for single-interest splinter groups who can no longer conspire in peace with their fellow party members, such as the Constitutional Union Party and the State's Rights Party (Dixiecrats). Third, as rallying points for individual political leaders, such as George Wallace's American Independent Party.

New parties serving all three functions exist or can be detected on the horizon. Any or all of them could address the political disaffection of both the 20 percent and the 80 percent. But many barriers stand in their way, both regulatory and ideological.

THE MOST IMPORTANT REGULATORY BARriers have to do with time and money, thus reinforcing each other: ballot access laws that require spending hundreds of thousands of dollars and frustrating man-hours just getting on the ballot, and campaign finance laws that restrict individual donations to political campaigns.

The wide variety of ideological think tanks and magazines proves that there is money available for electorally marginalized stances. But a candidate must raise money in increments of no more than $1,000, a difficult and time-consuming process. An alternative candidate—say, a Ralph Nader or a Harry Browne—could much more easily find 50 wealthy like-minded people willing to give $100,000 than 5,000 people willing to give $1,000. Currently fashionable campaign-finance reform ideas will only solidify the two-party incumbent advantage by further limiting the potential base of support. But it's possible that as throw-the-bums-out fervor mounts, even that barrier may fall. Soon, there may be no way to keep office except by easing the barriers that protect incumbency.

The most important ideological barrier is that third parties tend not to be taken seriously by the serious, accomplished people who could make them work, both as activists and voters. This is a chicken-or-the-egg problem, but the major parties might be about to inadvertently make this dilemma less trying. If, as seems likely, 1996 offers the voting public a "respectable" choice between Clinton/Gore and Dole/some governor from the Midwest, perhaps the Naderites and Rainbow Coalitioners and serious libertarians and serious Christians will realize that they aren't really going to get what they want from the two parties as they are now.

The benefits to the polity of electorally and ideologically healthy third, fourth, and fifth parties would accrue not just to those who get a chance, finally, to vote for something they really want. With better-defined ideas fencing publicly, drawing the attention of the media gatekeepers of information and argument, the level of understanding of the political choices facing us will rise. And new choices are vital to parsing out solutions to many current problems—tax levels, Social Security, Medicaid, declining education, inner-city decay. No, those crises can't go on forever. But how they stop is of primary importance, and the current two parties—as the weak-kneed aftermath of the "revolutionary" new Congress shows—are not ready for the serious change necessary.

The impending crash of overweighted New Deal/New Frontier governance, and the tumultuous dissatisfaction with current political choices, suggest we might be on the cusp of a sea change in American politics. Electoral arithmetic may dictate that the impending realignment will produce another two-party system. But encouraging healthy third, fourth, fifth, and sixth parties now increases the chances that those two new parties will represent interesting and valuable ideas—especially ideas that take seriously, really seriously, how to roll back the megastate left by their predecessors.

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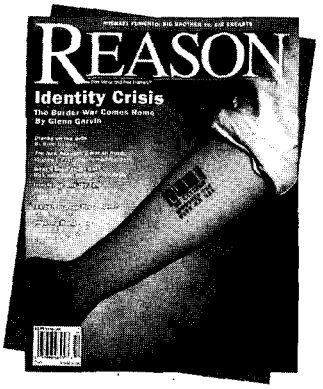

Border Warfare

Congratulations to REASON and Glenn Garvin ("Bringing the Border War Home," October) for exploding the myths in the debate on illegal immigration, including the inflated statistics. Americans are still not aware of the consequences of requiring a national ID card or a work permit to address this exaggerated problem. Nor do they know how very close Congress is to implementing one. When—or if—they do become aware, I'm confident that they will object to the idea. It's national masochism.

Robert Ellis Smith
Publisher
Privacy Journal
Providence, RI

As a resident of Tijuana, Mexico, and a daily commuter north to San Diego, as an employer of 10, as a white male, and an evangelical Christian and a libertarian, I felt compelled to write regarding Glenn Garvin's article.

Having just left church where the message essentially is for Christians to love others, as Christ loves us, I arrived at my post office box to find the recent issue of REASON. The article couldn't have come at a better time. Reading the first portion of the article about Lizbet Martinez I couldn't help but have tears in my eyes as I think of most Christians' response to immigration. How quickly they will cop out on love when it comes to immigration! "Sure, love others" they will say, "Um, unless they're illegal aliens."

Every day, on my way to work and when I come back to Tijuana, I see hundreds of human beings wedged alongside the old military runway fencing, waiting for their chance to make it to "*El otro lado*." Our business is located in the Otay Mesa section of San Diego, where the Border Patrol has their offices and "alien" holding areas. Each day, the hundreds of green and white Ford Broncos comb the streets and canyons nearby. I'm extremely puzzled at Americans' desire to increase funding for Customs and INS. How many guys do we want to pay to stand around chatting and smoking cigarettes and driving Broncos all over, arresting people for working, and fining those that provide income for others—income used to put food on tables?

As an employer, I too have all the forms and ask for all the proper documentation of legality. How is it right for others to tell me who I can and cannot hire? If I wasn't here, there would be no work for anyone. How dare others tell me who I can hire based on country of origin?

The huddled masses (literally) along the way to my home in Tijuana are desperately seeking a better life. Socialism has failed everywhere, including Mexico. If I have to go to prison as an employer, as a human being, for giving someone the opportunity to work so he or she could put food in their stomach, so be it.

Daniel Cannon
Solana Beach, CA

There have been many articles that ob- ject to regulating immigration to the United States, but none were as nauseating as the barf by Glenn Garvin. You might tell Mr. Garvin that the measures he finds so draconian and oppressive are intended to placate the millions of persons, like myself, who are rightly alarmed by the invasion from Mexico. You might also tell Mr. Garvin that he should thank his lucky stars that democracy, or any other form of majority rule, does not direct this government. If an effective solution is not found soon, many of us would favor a mass deportation of the entire Spanish-speaking population, at bayonet point if necessary. I don't give a damn how long they claim to have been in this country. It may be difficult for Mr. Garvin to appreciate the fear and desperation of Anglo-Americans concerning the locally overwhelming numbers of foreign newcomers. (Funny, this is the first time I have ever referred to myself as an "Anglo.")

Any intelligent person who believes that a border between two countries cannot be sealed 100 percent lacks imagination. I dare say, the National Guard units of the border states with Mexico could seal the border, by themselves, by this weekend, and round the silly bastards up by the end of the month. Imagine, no more illegal immigration from Mexico within the month!

Don Q. Reynolds Jr.
Mayflower, AR

"Bringing the Border War Home" places me in the vanguard of a movement toward a national worker identity card system. For some, any discussion of ways for employers to verify work eligibility makes one subject to such classification. But while your article attacks all proposed solutions, it fails to address the problem.

The Senate Judiciary Committee and Subcommittee on Immigration, of which I am a member, has approached the problem of illegal immigration on several fronts, the first and foremost being efforts to secure our borders. But this only addresses half the problem. The majority of illegal immigrants actually enter this country legally and either overstay or violate the terms of their visas. Without addressing the reason people come here—jobs—no amount of barbed wire or night scopes will fully solve the problem.

The system for employers today is simply unworkable. Right now, a prospective employee may present any of up to 29 different documents to establish a legal ability to work in this country. The law says it is the employer's responsibility to determine the validity of these documents, with stiff penalties (up to $25,000) if he or she hires illegal immigrants.

This puts employers in an impossible

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situation. Employers, especially in small businesses, have no way of verifying these documents, and yet the law says it is the employer's responsibility to do so. We must limit the number of documents that can be presented to an employer. Current proposals would cut the number down to 16. I am in favor of cutting it down even further to two or three.

At the same time, we have technology to make documents counterfeit resistant, and we should use it. At the very least, we should replace the current green card—used by legal immigrants to establish work eligibility, but which can be easily counterfeited in mass numbers—with a card that is counterfeit resistant.

The fraud expert in your article dismisses attempts to make documents counterfeit resistant but then goes on to make the strongest case in favor of such an idea. He himself designed the state of Florida's birth certificate (presumably to be as counterfeit resistant as possible) and, although the document can still be counterfeited, he admitted that its street price in Miami is now $5,000.

Compare that price to the $25 or $50 one can pay on the streets right now for fraudulent documents. Don't you think raising the price to $5,000 would serve as a deterrent? It is probably true that no documents we make will ever be totally fraud-proof. But by making them as fraud resistant as possible, we can at least make them much more difficult and substantially more expensive to reproduce illegally.

If we are serious about curbing illegal immigration, then we must make it more difficult for those who are here illegally to obtain work. The very least we can do is make it possible for employers to follow the laws we make.

Sen. Dianne Feinstein
Washington, DC

It is important to set the record straight on some of the provisions contained in my immigration reform legislation.

First, Mr. Garvin asserts that I want to "reduce" U.S. refugee admissions to 50,000. My bill, the Immigration in the National Interest Act of 1995, sets a flexible ceiling at 50,000 annual refugee admissions, but allows the level to be raised by Congress at any time or by the president in emergency situations. The current refugee process is broken and must be fixed.

Mr. Garvin also argues that my legislation would allow the government to seize the assets of employers suspected of hiring illegal aliens. However, H.R. 2202 contains no such provision. Neither does it contain a national worker registry linking the databases of the Social Security Administration and the Immigration and Naturalization Service, as proclaimed by Mr. Garvin.

Besides the misinformation on my legislation in this article, which makes one wonder whether the author has ever read the bill, the tone it projects adds nothing to the immigration debate. Your magazine should be ashamed at the blatant attempt to play on fear and emotion as represented by the picture of an arm tattooed with a bar code on the cover. America needs to have a calm, reasoned debate on its immigration policies—not one that panders to baseless arguments and false emotion.

Rep. Lamar Smith
Chairman
Subcommittee of Immigration and Claims
Washington, DC

Your readers must be puzzled by your recent personal attacks on me, particularly considering that in 20 years in mainstream journalism I dare say I've done more for libertarianism than your writers John J. Miller and Glenn Garvin (whoever they are). Or indeed, given your sadly small circulation, than you.

Thus in "Bringing the Border War Home," Mr. Garvin tries to smear me as a "racial scientist." But in fact in my book *Alien Nation: Common Sense About America's Immigration Disaster*, I explicitly eschew *The Bell Curve*'s conclusion that the average IQ of the post-1965 immigrant inflow is significantly below that of native-born Americans. Instead, I rely entirely on the overwhelming economic and sociological evidence against the current mass immigration policy. Mr. Garvin's smear is not merely a fabrication: It is a calculated effort, given contemporary standards, to drive me out of public discourse.

The reason for this extraordinary behavior is simple: The libertarian establishment simply has no answer to my demonstration, in *Alien Nation*, that the current mass immigration is not the result of open borders, but instead is determined in minute detail, as to numbers, origins, and skill levels, by a complex, perverse, and highly discriminatory government policy—the 1965 Immigration Act, as subsequently amended; and Washington's betrayal of its constitutional obligation to protect the states against invasion. Accordingly, establishment enforcers must either abuse me personally, as does Mr. Garvin, or suppress my book's central thesis altogether, as did Mr. Miller in his review ("Wretched Refuse," June).

Messrs. Garvin and Miller are in the same position as the boosters of dams and water projects who gulled an earlier generation of libertarians into thinking these projects were the result of market forces. In fact, they were the result of government intervention and subsidy. An entire school of free market environmentalism developed from this episode. It is time today's libertarians recognized the social engineering implications of Washington's current mass immigration policy. To say nothing of the fact that markets require metamarkets—institutional and cultural frameworks—of which property rights are only the most obvious aspect.

At least the dam-boosters were after a dishonest buck. What is Garvin and Miller's agenda—and yours?

Peter Brimelow
Forbes
New York, NY

John J. Miller replies: Come on Peter. If I were involved in any kind of conspiracy to "suppress" your ideas about immigration, then please explain why the Center for Equal Opportunity—where I serve as

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vice president—sponsored a debate on the subject between you and Ron K. Unz at the National Press Club last spring. I not only helped conceptualize that event, but also organize and promote it. You may have sold a few copies of your book as a result. Either you have a strange definition of suppression, or I'm just no good at it.

Glenn Garvin replies: If Sen. Feinstein would like to withdraw from the vanguard of the movement for a combination national ID card and work permit, I think that's great. But I don't see the slightest suggestion in her letter that she intends to do so. Nor do I see any indication that she comprehends the problems with such a card. She admits that all kinds of fraudulent documents can be purchased on the street right now for $25—but it is precisely from those fraudulent documents that the federal government will create a database and issue the new national ID card.

And though she expresses dismay at the way current law plunges employers into bureaucratic hell on worker-eligibility verification, her solution is to plunge *all of us* into that same purgatory. Generally I oppose federal porkbarrel programs, but I think I speak for most Americans when I say that I wish Sen. Feinstein would go back to lobbying for useless zillion-dollar Defense Department projects for California and leave the rest of us alone.

Rep. Smith says he seeks a calm, reasoned debate on immigration policies. He would contribute to that debate if he would stop playing games. The article didn't refer to H.R. 2202 because that bill didn't exist when the story went to press. Instead the story specifically mention sections of H.R. 1915, which was Rep. Smith's bill at the time.

Rep. Smith also decides to play some unfortunate semantic games. A "flexible ceiling" on refugee admissions is the same as a cap. Changing either would require a congressional vote. And while the words "worker registry" may not appear in H.R. 1915 or H.R. 2202, here's what either bill would establish: a telephone registry of all newly hired employees which would require every employer to check either the Social Security number or alien identification number of each potential employee with the Department of Justice. Is a "verification system" substantively different from a "worker registry"? You decide.

Turning to Peter Brimelow, my story noted that he's from another country. Now I'm starting to wonder if he's not actually from another planet. There is not a single word in my story that mentions IQ or *The Bell Curve*, not even tangentially.

But since Mr. Brimelow has unaccountably chosen to raise the subject, let readers judge for themselves where he stands. In a footnote on page 57 of *Alien Nation*, Mr. Brimelow briefly explains the thesis of *The Bell Curve* and its authors, Richard J. Herrnstein and Charles Murray. He continues: "In a little-noticed passage, Herrnstein and Murray blamed the 1965 Immigration Act for a sharp deterioration in immigrant quality. They estimated that the current influx has an average IQ of 95, at least 5 points below the white American mean. If they are right, of course, this suggests the consequences of current policy are far more disastrous than anything argued in this book. However, I figure I've taken enough risks already and merely report their view for what it is worth." Some eschewal.

Mr. Brimelow *is* quite right that selective and discriminatory government policies have distorted the natural patterns of immigration. But that doesn't mean the correct solution is to abolish immigration, any more than government construction of the Hoover Dam means we must stop drinking water or generating electricity.

As for Mr. Brimelow's question about my agenda, let me refer him to the letter above by Daniel Cannon, who captured it nicely: We ought to treat immigrants as the decent, hard-working human beings they overwhelmingly are. And, along the way, we ought to protect the liberties of all Americans, not use the fear of immigrants as an excuse for more government control of our lives and businesses.

Readers who wonder what *Brimelow's* agenda is but don't wish to wade through the tedious prose of *Alien Nation* might simply read the letter by Don Q. Reynolds, who has thoughtfully distilled its essence: "Round the silly bastards up."

What Is Truth?

Nick Gillespie's review of *The Truth About Truth* ("Goodbye True World," October) contains several elementary fallacies. First, he treats truth, knowledge, belief, and "truth" as if they were all the same thing. They are not. Knowledge consists of truths that are known, but since there are truths that are not known, truth cannot be identified with knowledge. "Truth" is what has been called true, presumably because it is believed to be true; but what is believed may not be true, and what is true may not be believed.

Second, he implies that truth is relative to belief because all facts are interpretations. Yes, but he overlooks the fact that all interpretations are not facts; instead, some interpretations are false. Third, he seems to share the popular idea that belief in objective truth implies dogmatism. But only those who believe that there is such a thing as the objective truth can admit that they might not know what it is.

These truisms matter politically, because the doctrine that there is no truth, just equally good competing beliefs, has always been the great enemy of reason and the great excuse for arbitrary power. Liberals should believe not that there is no truth but that reason must be left free to find it.

Max Hocutt
Department of Philosophy
University of Alabama
Tuscaloosa, AL

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Nick Gillespie disparages the assumption of the Enlightenment that "man in the full knowledge of what he was doing should deliberately create such a civilization and social order as the process of his reason enabled him to design." To be sure, "modern socialism, planning, and totalitarianism" have been post-Enlightenment phenomena. But their defects result from insufficient (rather than excessive) application of the Enlightenment's principles. Modern perpetrators of interventionism (e.g. socialists) neglect to heed man's inevitable lack of full knowledge. And it is precisely in light of this lack of full knowledge that the impropriety of an imposed social order can be deduced—deduced, that is, in full accordance with the principles of the Enlightenment. Accordingly, libertarians from John Stuart Mill to Robert Nozick (men who would not exactly be termed postmodernists) advocated minimal government in direct acknowledgment of the fallibility to which people, and especially governments, are prone—a model exercise in the Socratic knowing of what one does not know.

While faults exist in the epistemological optimism common to both the Enlightenment and modern forms of totalitarianism, postmodernism offers nothing more in the way of an antidote than does the wrecking ball relative to the limitations of modern construction and architecture. Advocates of postmodernism such as Mr. Gillespie would do well to recall the somewhat pre-modern insight that "[i]t is wrong to remove the foundations of a science unless you can replace them with others more convincing." (Aristotle's *De Caelo* III.1.299a5-6).

Chad Trainer
Phoenixville, PA

Nick Gillespie replies: Max Hocutt makes useful distinctions between truth, knowledge, and belief, though I think those categories are far less clear cut than he does. More important, he misunderstands what I think is useful in postmodern thought by equating a continuing interrogation of what we believe to be true with relativism. It strikes me as self-evident that all competing interpretations are not equal—some have more predictive, explanatory, or conceptual value than others. But it is no great stretch to believe in objective truth *and* to recognize that we may never fully discover or understand those truths. In fact, that insight informs Karl Popper's view of rational inquiry and the paradoxical nature of "progress" in human understanding: The more we learn, the less we can be sure of. Chad Trainer errs, I think, in seeing postmodernism as antithetical to the Enlightenment. As I argued at the end of my review, that notion is more a marketing ploy (by champions and detractors alike) than anything else. Postmodernism extends the Enlightenment project in a Humean sense by using reason to challenge its own explanatory power.

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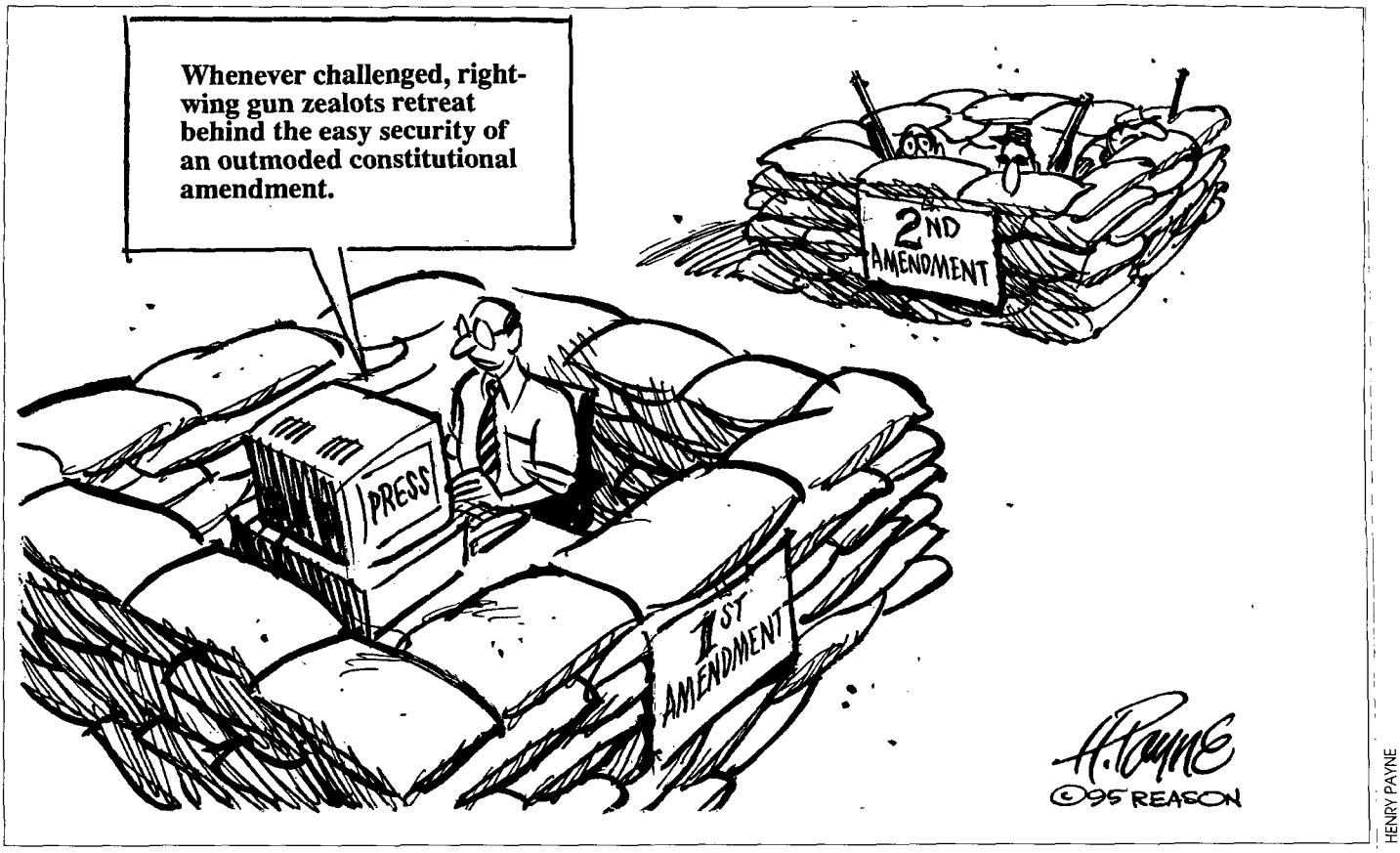
Whenever challenged, right-wing gun zealots retreat behind the easy security of an outmoded constitutional amendment.
2ND AMENDMENT
PRESS
1ST AMENDMENT
H. Payne
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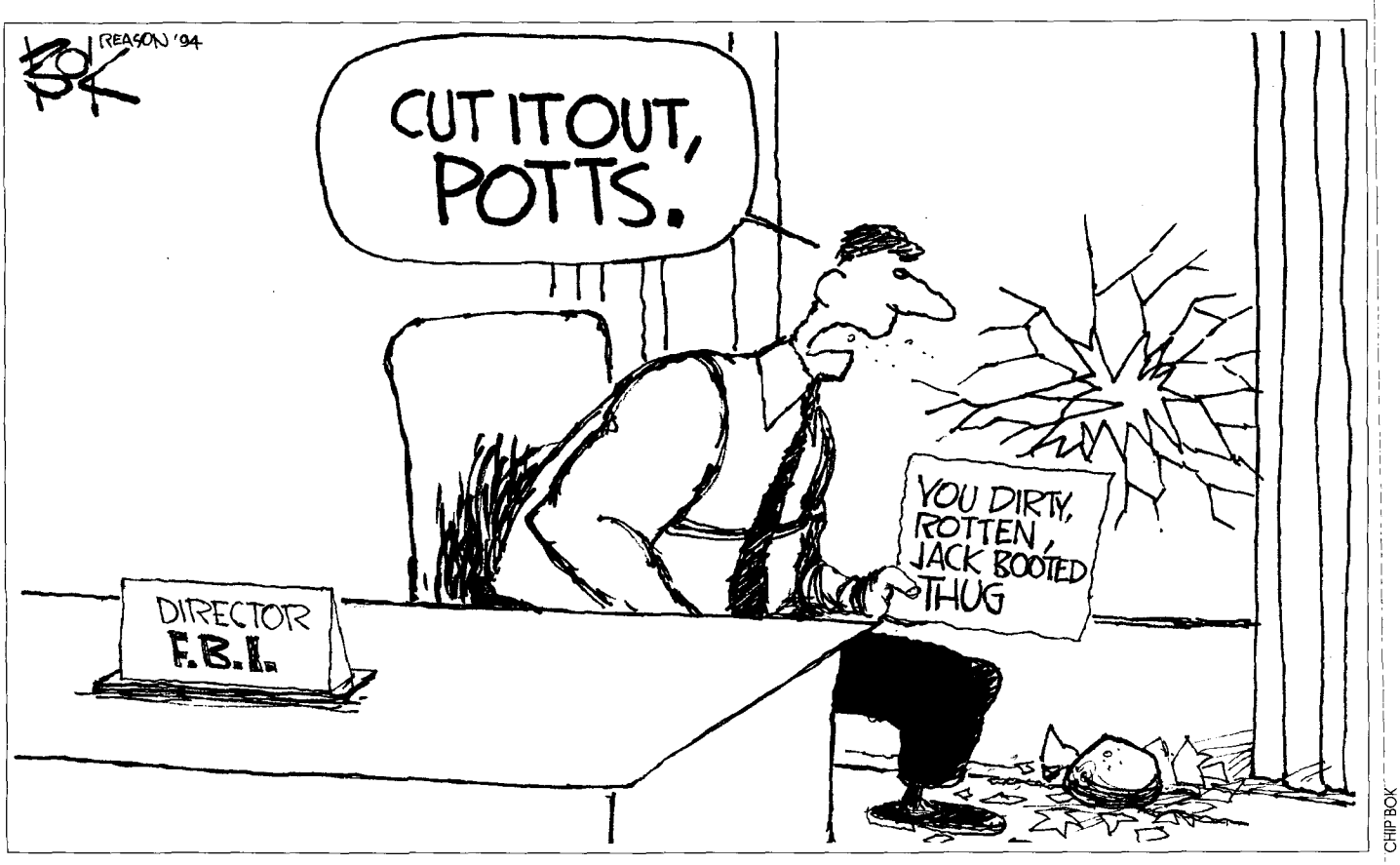
HENRY PAYNE



CHIP BOK

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SCOTT STANTIS

■ **Miguel Gonzales of Honolulu was** sentenced to an anger-management class after he assaulted his girlfriend. It turned out to be a death sentence. He showed up drunk for one class, and his instructor allegedly got angry and beat him, leaving him brain dead. The instructor, Charles Mahuka, was on parole for attempted murder.

■ **On CNN's *Inside Politics*, presidential** hopeful Sen. Phil Gramm (R-Tex.) joked that the "people of New Hampshire talk funny and therefore they think I talk funny." But New Hampshire Rep. Bill Zeliff didn't appreciate the joke. He called it "an insult to the people of New Hampshire" and demanded a "Texas-size apology."

■ **Rep. Don Young (R-Alaska) was speak**ing to a group of high school students, reports *Playboy*. The talk turned to his opposition to federal funding for art that shows people doing "offensive things." Someone asked him for an example of these offensive things. The congressman reportedly replied with "an 11-letter word for anal intercourse." He later told reporters that a euphemism just wouldn't have had the necessary impact.

■ **In Newark, New Jersey, a band per**forming in a high school talent show was suspended from school and hauled off to the police station. Their offense? They chanted the word "Oi"—a cockney interjection that's used in a variety of circumstances, but as a chant has become associated with music liked by racist skinheads. But that isn't why the band was suspended. It seems some people in the audience thought they were chanting "Oy," a Yiddish expression of dismay. They were called anti-Semites and punished. But all turned out well. The police, not knowing what they were supposed to do with them, let the boys go. The American Civil Liberties Union got on the case, and the suspension was lifted. And by week's end, the teenagers were performing their new song "Oi is not a Crime" on MTV.

■ **The *Oakland Tribune* reports that the** city pays about $9,500 a year for cellular phones for its five council members. The phones were supposed to be used only for emergencies, but the members often used them for personal calls, including long-distance chats with relatives. Council members wonder why people are upset. After all, there's no official policy against using the phones for personal calls. Said Councilman Nate Miley, "Until there's a policy, there can't be an abuse."

■ **In San Francisco, Joni Lynn Yorks has** been arrested for filing tax returns listing fictitious dependents. Yorks is a special agent for the IRS investigating tax-evasion cases.

■ **Cook Michael Maxon became known** for creating bizarre hamburgers using such ingredients as eggplant and hummus. The burgers were so popular he started his own restaurant called the Crazy Burger Cafe. You guessed it: He is now under fire from advocates for the mentally ill. They want him to change the name of his restaurant and get rid of items such as the Neurotic Burger, the Loco Burger, and the Just Plain Nuts Burger.

■ ***The Washington Post* reports that eight** percent of the District of Columbia police force is under investigation for possible criminal or departmental violations.

■ **About a year ago, someone stole** Washington, D.C., resident Darryl Cox's auto tags and put them on another car. He alerted the police, but he began to receive notices that he owed money on tickets placed on the car with his stolen tag. So far, he has $400 in citations. When Cox asked how to get rid of the tickets, he was told the only way was to pay the fines and add a $10 fee for each ticket he wanted to challenge. The traffic board will review his appeal. Incidentally, neither Cox nor his counsel will be allowed to be at the appeals hearing.

■ **Juanita Wilson had just gotten out of** prison and wanted to get back together with her ex-boyfriend. When she found out he was seeing another woman and didn't want her, Wilson did what any woman who outweighs her man by 40 pounds would do: She sat on him until he promised to take her back. Wilson has been charged with assault, reckless endangerment, and stalking.

—Charles Oliver

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Tastes Great! More Polluting!

States try to protect voluntary "environmental audits."

By Alexander Volokh

ENVIRONMENTAL AGENCIES USED TO consider beer brewers good people. The EPA thought brewers emitted only tiny amounts of volatile organic compounds (VOCs), an air pollutant. But Coors Brewing Co. discovered otherwise. Coors conducted an 18-month, $1.5 million environmental audit that found that the beer-making process is about 17 times more polluting than the government thought it was. The VOC emissions Coors found weren't addressed in the permits of any major American brewer.

Coors voluntarily revealed this information to the Colorado Department of Health, which promptly fined the company more than $1 million for violating state air pollution laws. The fine was later reduced to $237,000.

Contrary to popular belief, many environmental problems are neither readily apparent nor well understood; it's not as if VOCs exude an eerie, yellow glow. And yet, companies are afraid of prosecution or citizen lawsuits if they do the very audits needed to find environmental problems. According to a Price Waterhouse survey of the companies that do environmental audits, more than 45 percent said that they don't want to expand their auditing program because the information could be used against them. As one senior official with the EPA put it, "No good deed goes unpunished."

Coors's experience paved the way for one of the first "environmental audit privilege" laws in the country. Under a typical environmental audit privilege law, audit reports can't be used as evidence in judicial or administrative proceedings as long as violations are reported to the authorities and promptly corrected. Fourteen states—Arkansas, Colorado, Idaho, Illinois, Indiana, Kansas, Kentucky, Minnesota, Mississippi, Oregon, Texas, Utah, Virginia, and Wyoming—have audit privilege laws, and bills are pending in most other states. At the federal level, two audit privilege bills, S. 582 and H.R. 1047, are hanging out in committees.

The EPA opposes the laws because they make life tougher for environmental law enforcement. EPA Administrator Carol Browner says the agency may increase enforcement in states that have audit privilege laws and take back some of the environmental programs delegated to state governments.

EPA Chief Carol Browner

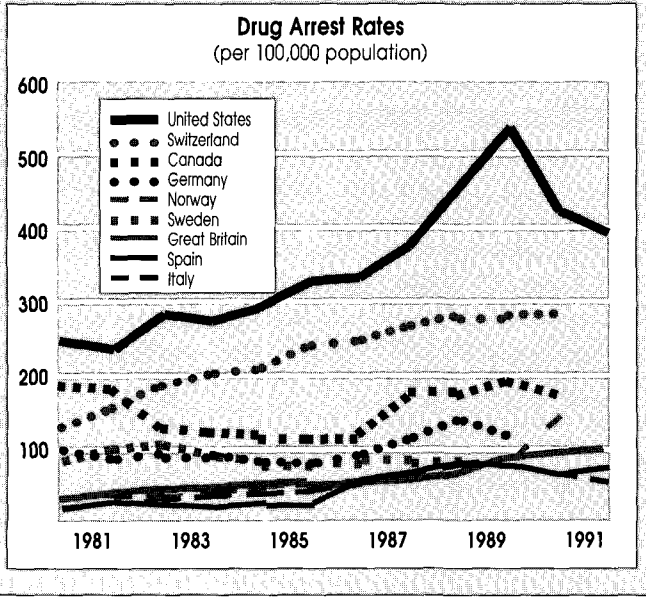
The EPA's own policy is to be lenient with companies that audit themselves and attempt to fix the problems. But the policy *isn't binding* on the agency—or on the Department of Justice or the U.S. attorneys' offices, which do the actual prosecutions. Nor does it protect companies from citizen suits. And it doesn't prohibit the taking of testimony about the audit report—which makes the protection of the actual report more or less irrelevant.

Hugs, Not Drugs?

Or should it be drugs, not hugs?

By Nick Gillespie

House Speaker Newt Gingrich has recently (and repeatedly) called for the execution of drug traffickers. "The first time we execute 27 or 30 or 35 people at one time...the price of carrying drugs will have gone up dramatically," says Gingrich. Maybe so, but international comparisons of drug policies suggest that legal sanctions may not be a decisive factor in use decisions. In the Rand publication *Comparing Western European and North American Drug Policies*, an outgrowth of a 1991 conference, scholars Peter Reuter, Mathea Falco, and Robert MacCoun note, "[T]he United States, with the most severe [drug] problem, has the toughest policy; the Netherlands, with perhaps the least severe problem, has the most tolerant policy. On the other hand, firmly prohibitionist Norway has less of a problem than highly tolerant Spain. Many other factors...may be more important than drug policy in explaining these differences."



Source: *Comparing Western European and North American Drug Policies*

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Cancerous Myths

The spread of misinformation

By Brian J. Taylor

MANY COMMENTATORS HAVE suggested that we are in the midst of a cancer epidemic caused by unknown environmental factors. For instance, citing links between cancer rates and pesticide use, Devra Lee Davis, an adviser to the U.S. assistant secretary for health, told the *Atlanta Journal and Constitution* that it is important for people to "control [their] exposure to elements in the environment."

But according to two recent studies, such claims are not merely wrong—they misdirect attention from known causes of cancer. Studies by the American Council on Science and Health and the National Cancer Institute both conclude that the appearance of rising cancer rates is explained in large part by better testing methods. Both studies bear even better news: For people under 55, the mortality rates for most cancers are actually declining.

Improved cancer-screening methods are responsible for creating an *impression* of higher cancer incidence rates, states the ACSH report. In 1980, for example, the breast cancer rate for women was 85.2 per 100,000. In 1987, it rose to 112.4 per 100,000, then declined the next two years.

This supports the view that early detection by increased use of mammography and other screening methods explains the "increase" of breast cancer in the 1980s. In fact, for the past 40 years, concludes the study, most forms of cancer have remained constant or even decreased (lung and AIDS-related cancers being notable exceptions).

The NCI study attributes much of the increase in breast and prostate cancer rates not merely to better screening techniques but to more frequent use of diagnostic tests. Hence, it concludes that most of the rise in reported incidence of both cancers is associated with earlier detection.

Far from implicating "unknown environmental factors," the studies agree that most cancers are related to known lifestyle factors: tobacco and alcohol abuse, diet, radiation, sexually transmitted diseases, and exposure to sunlight.

Given the depth of the research available, writes ACSH President Elizabeth M. Whelan, it is most important to focus on the "known causes of cancer, rather than misinforming the public about unreal threats to health, such as pesticides."

Shakedown Street

Academics spook "economic development" bureaucrats.

By Rick Henderson

WHEN A FREE MARKET THINK tank assembles a group of distinguished economists who call for tax relief, you'd think the state's conservative administration would applaud. Not in Ohio.

On September 20, along with state policy organizations from Michigan, Illinois, Nebraska, and Indiana, the Dayton-based Buckeye Institute for Public Policy Solutions released a resolution calling for governments to "end the war between the states." It called on states to stop "economic development" schemes that offer ever-escalating business grants and tax breaks to lure relocating companies. More than 100 economists from nine Midwestern states instead urged governors and state legislatures to cut taxes, spending, and regulations.

"This is the first time there's been a concerted effort [among state free market groups] to question the validity of these programs," says Buckeye Institute President Andrew Little. Ohio Department of Development Director Donald Jakeway expressed his opposition to the plan in a not-so-subtle way: He tried to use the Freedom of Information Act to intimidate the people who signed the statement.

Under the guise of a FOIA request, Jakeway sent a letter to the personnel administrators of the institutions that employ Buckeye's 36 academic advisers and the six other Ohio economists who endorsed the resolution. The letters asked for the résumé of each economist or adviser. It also noted that a copy of the letter had been sent to the development department's legal counsel. After receiving the letters, says Little, personnel directors routinely notified the advisers' department heads, leading to some uncomfortable questions for these academics from their supervisors.

While Jakeway told *The Columbus Dispatch* he was collecting this information for a "report" on the Buckeye Institute, the letters' targets believe otherwise. "FOIA was not designed so that government officials could intrude on the confidential papers of private citizens," wrote University of Cincinnati political science Professor Abraham Miller to Jakeway. "Government officials who respond to criticism with even the appearance of official intimidation do not encourage respect for their offices."

Jakeway's clumsy attempt to browbeat his opponents ended up giving the institute's plan publicity state officials would rather have avoided. And it may cause Jakeway additional embarrassment. Capital University law professor Bradley Smith, another of Buckeye's advisers, has filed his own Freedom of Information Act request, asking for all of Jakeway's files on the Buckeye Institute and its advisers.

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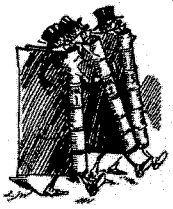
Balance Sheet

By Rick Henderson

Assets

Crossed Wires. Fast action prevents parts of the House anti-terrorist bill—earlier removed from the congressional calendar—from sneaking through Congress. A provision to fund wiretap-friendly telephone technology mysteriously slips into the budget-reconciliation package. Rep. Bob Barr (R-Ga.), along with civil liberties organizations and business groups, press the budgeteers to remove the wiretap funding. Within 72 hours of discovering this scheme, Barr's coalition forces the provision out of the budget.

Calculated Risk. Five years after the collapse of Soviet communism, the Clinton administration finally allows U.S. manufacturers of supercomputers to sell overseas. Computer makers can sell to Europe, Canada, Mexico, Japan, Australia, and New Zealand without first obtaining a government license. Sales to Iraq, Iran, Libya, and North Korea remain off limits.



Class Dismissed. Republican governors balk at implementing Goals 2000, the Education Department's attempt to establish de facto national curricula for elementary and high schools. Govs. George Allen (Va.) and Stephen Merrill (N.H.) refuse to accept federal dollars to fund Goals 2000. Fob James (Ala.) and Marc Racicot (Mont.) initially take the money but later send it back to Washington.

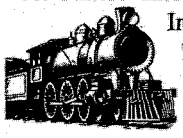
Tax Break. Now buckling under Washington's fiscal squeeze: the IRS. Congress plans to cut the agency's enforcement budget by $500,000. As a result, the IRS abandons its plan to check on tax compliance by conducting more than 150,000 random, super-persnickety "audits from hell." Even so, better save those receipts.

Liabilities

Talk Stoop. Declining educational standards. Teenage drug abuse. Rap lyrics. Jerry Springer? National nanny Bill Bennett joins Sen. Joseph Lieberman (D-Conn.) to denounce what Bennett calls the "cultural pollution" of daytime TV talk shows. (See "Freak Parade," Apr.) Lighten up, guys. As Jim Glassman suggests on CNN's *Capital Gang Sunday*, the former drug czar has *way* too much time on his hands.

War Crimes. Bill Clinton signs a bill maintaining jail sentences for crack cocaine that are 100 times tougher than those for identical amounts of powder cocaine. (See Trends, Aug./Sept.) Overruling a recommendation by the U.S. Sentencing Commission that would equalize penalties for crack and powder, Clinton says "some adjustment is warranted" in reducing the disparity. His answer? Ratchet up penalties for powder cocaine.

Shop Talk. Kicking the constituent-service habit is tough. House transportation committee chairman Rep. Bud Shuster (R-Pa.) offers a bill to do away with the Interstate Commerce Commission. But one part of the bill, reports *The Washington Post*, would prevent Conrail from contracting out any of its repair work without union approval. And where does Conrail house one of its biggest union shops? Altoona, Pa., home of Bud Shuster.



Shrieking Tent. Colin Powell may not be running for president. But in the days before his decision, Beltway conservatives continued to demonstrate a blind faith in the ultimate power of the White House. At an anti-Powell press conference, David Keene, Paul Weyrich, and Gary Bauer pitched a hissy fit, claiming that Powell's stance on social issues would derail the Republican revolution. Get a grip, folks. The GOP Congress did more to change Washington in the first 10 months of 1994 than Republicans accomplished in the eight-year Reagan administration. And who is the GOP alternative to Powell? Bob Dole, tax collector for the welfare state and architect of the Americans with Disabilities Act.

Bad Form

A county official refuses to participate in "ethnic bean counting."

By Ed Carson

Morris County, New Jersey, Surrogate John Pecoraro surprised county officials when he refused to comply with a federal mandate that requires state and local governments to list the racial and ethnic background of their employees. No official in the county had ever objected to filling out the required survey. But Pecoraro, who heads an office that handles estates, wills, and adoption records for the county, says it was an easy decision for him to make.

"In my 25 years as a private employer, I always tried to look at my employees as individuals," says Pecoraro, who was elected surrogate in 1994. "I made a commitment never to look at an employee's ethnic background or race as a factor for promotions or hiring." So when the Equal Employment Opportunity Commission survey crossed his desk last fall, Pecoraro told the county personnel director that he would not fill out a form that smacked of "ethnic bean counting."

"If I filled it out, I'd be a hypocrite," he says.

Michael Widomski, a spokesman for the EEOC, says that the survey is collected for statistical purposes. However, those statistics are used by federal agencies that investigate claims of racial discrimination in hiring, firing, or promotions.

Widomski says that instances in which officials refuse to fill out the form are rare, and the EEOC has gone to court to force compliance. That probably won't be necessary in this case, because Morris County officials have said they'll bypass Pecoraro and fill out the form themselves.

Pecoraro, who has between 12 and 15 employees at any given time, says he's not surprised by the county's decision. "Most officials get this form from the federal government and they say, 'I'm not going to stick my neck out,' so they fill it out," he says.

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What the Doctor Orders

By treating risky behavior like a communicable disease, the public health establishment invites government to meddle in our *private lives*.

By Jacob Sullum

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In the introduction to the first major American book on public health, U.S. Army surgeon John S. Billings explained the field's concerns: "Whatever can cause, or help to cause, discomfort, pain, sickness, death, vice, or crime—and whatever has a tendency to avert, destroy, or diminish such causes—are matters of interest to the sanitarian; and the powers of science and the arts, great as they are, are taxed to the uttermost to afford even an approximate solution to the problems with which he is concerned."

Despite this ambitious mandate—and the book's impressive length (nearly 1,500 pages in two volumes)—*A Treatise on Hygiene and Public Health* had little to say about the issues that occupy today's public health professionals. There were no sections on smoking, alcoholism, drug abuse, obesity, vehicular accidents, mental illness, suicide, homicide, domestic violence, or unwanted pregnancy. Published in 1879, the book was instead concerned with such things as compiling vital statistics, preventing the spread of disease, abating public nuisances, and assuring wholesome food, clean drinking water, and sanitary living conditions.

A century later, public health textbooks discuss the control of communicable diseases mainly as history. The field's present and future lie elsewhere. "The entire spectrum of 'social ailments,' such as drug abuse, venereal disease, mental illness, suicide, and accidents, includes problems appropriate to public health activity," explains Jack Smolensky in *Principles of Community Health* (1977). "The greatest potential for improving the health of the American people is to be found in what they do and don't do to and for themselves." Similarly, *Introduction to Public Health* (1978), by Daniel M. Wilner, Rosabelle Price Walkley, and Edward J. O'Neill, notes that the field, which once "had much narrower interests," now "includes the *social and behavioral aspects of life*—endangered by contemporary stresses, addictive diseases, and emotional instability."

The extent of the shift can be sensed by perusing a few issues of the American Public Health Association's journal. In 1911, when the journal was first published, typical articles included "Modern Methods of Controlling the Spread of Asiatic Cholera," "Sanitation of Bakeries and Restaurant Kitchens," and "The Need of Exact Accounting for Still-Births." Issues published in 1995 offered "Menthol vs. Nonmenthol Cigarettes: Effects on Smoking Behavior," "Correlates of College Student Binge Drinking," and "Violence by Male Partners Against Women During the Childbearing Year: A Contextual Analysis." The journal also covers strictly medical issues, of course, and even runs articles on traditional public health topics such as vaccination, nutrition, and infant mortality. But the amount of space taken up by studies of social problems and behavioral issues is striking.

In a sense, the change in focus is understandable. After all, Americans are not dying the way they once did. The chapter on infant mortality in *A Treatise on Hygiene and Public Health* reports that during the late 1860s and early 1870s, two-fifths to one-half of children in major American cities died before reaching the age of 5. The major killers included measles, scarlet fever, smallpox, diptheria, whooping cough, bronchitis, pneumonia, tuberculosis, and "diarrheal diseases." Largely because of such afflictions, life expectancy at birth was only 49 in 1900, compared to roughly 75 today, while the annual death rate was 17 per 1,000, compared to about half that today. Beginning in the 1870s, the discovery that infectious diseases were caused by specific microorganisms made it possible to control them through vaccination, antibiotics, better sanitation, water purification, and elimination of carriers such as rats and mosquitos. At the same time, improvements in nutrition and living conditions increased resistance to infection. Although it is difficult to separate the effects of public health programs from the effects of rising affluence and changing patterns of work, there's no question that disease-control efforts have had an important impact on the length and quality of life.

Americans no longer live in terror of smallpox or cholera. Despite occasional outbreaks of infectious diseases such as rabies and tuberculosis, the fear of epidemics that was once an accepted part of life is virtually unknown. The one major exception is AIDS, which is not readily transmitted and remains largely confined to a few high-risk groups. For the most part, Americans die of things you can't catch: cancer, heart disease, trauma. Accordingly, the public health establishment is focusing on those causes and the factors underlying them. Having vanquished most true epidemics, it has turned its attention to metaphorical "epidemics" such as smoking, obesity, and suicide. Along the way, the public health establishment has become the most influential lobby for ever-increasing government control over Americans' personal choices.

By the late 1930s, with the importance of infectious diseases declining, public health specialists started taking an interest in chronic conditions. "The public health establishment requires an issue that has salience in the public press, outside of the scientific community, in order to maintain support," says Barbara Rosenkrantz, professor emeritus of the history of science at Harvard. "Public health only becomes interesting when there are real problems."

The interest in chronic diseases led to lifestyle-oriented medical research that began in earnest after World War II. The Framingham heart study, a large-scale, long-term project that has helped identify risk factors for heart disease, began in 1948 and produced its first report in the early 1950s. The first influential studies linking cigarette smoking to lung cancer appeared about the same time. Philip Cole, a professor of epidemiology at the University of Alabama, Birmingham, argues that concern about smoking and other causes of non-infectious disease is "very much within the classical tradition of public health, even though it does not speak to the issue of contagion." He distinguishes this interest, manifested in the work of researchers and the recommendations of physicians, from "a continued effort on the part of government to usurp control of individuals' lives," a trend that worries him.

But the concerns of public health practitioners have a way of influencing public policy. Surgeons general of the U.S. Public Health Service have become official nags, urging us to shape up

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so we can reach the health goals they have set for the nation. The wide domain of public health allows them to champion whatever causes interest them. C. Everett Koop said we should achieve "a smoke-free society" by the year 2000. Antonia Novello condemned liquor and beer advertising that she found distasteful. Joycelyn Elders pontificated about gun control and masturbation. The circumstances of Elders's departure and the battle over her successor show that both liberals and conservatives take the top public health job quite seriously.

The key event that elevated the surgeon general's prestige and visibility occurred in 1964, when Luther M. Terry released the report of his Advisory Committee on Smoking and Health. The document, which declared that "cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action," heralded the decline of the U.S. tobacco industry and the beginning of the contemporary anti-smoking movement. It helped put risky behavior at the top of the public health agenda.

The establishment of Medicare and Medicaid in 1965 reinforced the argument that government should take an interest in the personal habits of its citizens because risky behavior might affect the public treasury. In 1976, Dr. John H. Knowles, president of the Rockefeller Foundation, reviewed the rise of taxpayer-funded health insurance and declared that "the cost of sloth, gluttony, alcoholic overuse, reckless driving, sexual intemperance, and smoking is now a national, not an individual responsibility."

The involvement of physicians in the auto-safety movement of the late 1960s and early '70s also helped legitimize the expansion of public health. "The automobile is the etiological agent in an epidemic accounting for some 50,000 deaths and 4 million injuries each year," wrote Seymour Charles of Physicians for Automotive Safety and John States of the American Association of Automotive Medicine in the July 4, 1966, issue of the *Journal of the American Medical Association*. They cited drunk-driving laws, seat-belt requirements, and other mandated design changes as examples of "preventive medicine." Today, advocates of a public health approach to violence cite the medicalization of traffic accidents as a precedent.

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In 1979, the surgeon general released *Healthy People,* a report that broke new ground by setting specific goals for reductions in mortality. "We are killing ourselves by our own careless habits," wrote Joseph Califano, then secretary of health, education, and welfare, calling for "a second public health revolution" (the first being the triumph over infectious diseases). *Healthy People*, which estimated that "perhaps as much as half of U.S. mortality in 1976 was due to unhealthy behavior or lifestyle," advised Americans to quit smoking, drink less, exercise more, fasten their seat belts, stop driving so fast, and cut down on fat, salt, and sugar. It also recommended motorcycle-helmet laws and gun control to improve public health.

Healthy People drew on a "national prevention strategy" developed by the U.S. Center for Disease Control (now the Centers for Disease Control and Prevention), an agency whose evolution reflects the expanding interests of public health. Established during World War II as a unit of the U.S. Public Health Service charged with malaria control in war areas, it became the Communicable Disease Center in 1946. By the end of the 1950s the CDC had acquired exclusive federal authority over communicable diseases. In the 1960s it took on a wide range of projects, including family planning and overseas smallpox control. In the early to mid-1970s it absorbed the Public Health Service's nutrition program, the National Institute of Occupational Safety and Health, and the National Clearinghouse on Smoking and Health. It also took over federal programs dealing with lead poisoning, urban rat control, and water fluoridation. In the late 1970s the CDC drew up a list of its main priorities, the most serious health problems facing the country. The list included smoking, alcohol abuse, unwanted pregnancies, car accidents, workplace injuries, environmental hazards, social disorders, suicide, homicide, mental illness, and stress. Today only one of the CDC's seven "centers" deals with the agency's original task, control of infectious diseases.

A cynic would view the CDC's growth as a classic example of bureaucratic survival: If the problem you were charged with solving starts to get better, find new problems that will continue to justify your budget. More generally, it is easy to dismiss public health's ever-expanding agenda as a bid for funding, power, and status. Yet the field's practitioners argue, with evident sincerity, that they are simply adapting to changing patterns of morbidity and mortality. Without speculating about motivation, we can ask whether it makes sense to apply the methods of disease control to problems that are not caused by germs. If it doesn't, much of what is done in the name of public health today is seriously misguided.

The question is especially important because public health generally implies government action. That used to mean

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keeping statistics, imposing quarantines, requiring vaccination of children, providing purified water, building sewer systems, inspecting restaurants, regulating emissions from factories, and reviewing drugs for safety. Nowadays it means, among other things, raising alcohol taxes, restricting cigarette ads, banning guns, arresting marijuana growers, and forcing people to buckle their seat belts. These measures are attempts to control illness and injury by controlling behavior thought to be associated with them. The idea is straightforward: Less drinking means less cirrhosis of the liver, less smoking means less lung cancer, less gun ownership means less suicide.

Whether or not these expectations are justified, treating behavior as if it were a communicable disease is problematic. First of all, behavior cannot be transmitted to other people against their will. Second, people do not choose to be sick, but they do choose to engage in risky behavior. The choice implies that the behavior, unlike a viral or bacterial infection, has value. It also implies that attempts to control the behavior will be resisted.

Today's public health measures are attempts to control illness and injury by controlling behavior thought to be associated with them. Treating behavior as if it were a communicable disease is problematic. First of all, behavior cannot be transmitted to other people against their will. Second, people do not choose to be sick, but they do choose to engage in risky behavior. The choice implies that the behavior, unlike a viral or bacterial infection, has value and that attempts to control the behavior will be resisted.

Resistance to public health measures is not new. Such interventions were often criticized, sometimes justifiably, as inappropriate exercises of government power. But in the past, public health officials could argue that they were protecting people from external threats: carriers of contagious diseases, fumes from the local glue factory, contaminated water, food poisoning, dangerous quack remedies. By contrast, the new enemies of public health come from within; the aim is to protect people from themselves rather than each other. The implications of this distinction can be better understood by considering a few of the "epidemics" that have taken the place of smallpox and cholera.

Smoking. In the public health literature, smoking is not an activity or even a habit. It is "the greatest community health hazard," "the single most important preventable cause of death," "the plague of our time," "the global tobacco epidemic." The disease metaphor has been used so much that it is now taken literally. The foreword to the 1988 surgeon general's report on nicotine addiction informs us, "Tobacco use is a disorder which can be remedied through medical attention." This definition was not always so casually accepted. In the 1977 monograph, *Tobacco Use as a Mental Disorder*, published by the National Institute on Drug Abuse, Jerome H. Jaffe noted that "a behavior that merely predisposes to other medical illnesses is not necessarily, in and of itself, a disease or disorder....We certainly would not want to consider skiing as a mental disorder, although it clearly raises the likelihood of developing several well-defined orthopedic disorders. Risk taking, *per se*, is not a mental disorder."

Yet today public health professionals consider smoking itself a disease, something inherently undesirable that happens to unwilling victims. "Free will is not within the power of most smokers," writes former CDC Director William Foege in "The Growing Brown Plague," a 1990 editorial in the *Journal of the American Medical Association*. If it were, they certainly would choose not to smoke. As Scott Ballin, chairman of the Coalition on Smoking or Health, explains, "The product has no potential benefits....It's addictive, so people don't have the choice to smoke or not to smoke."

These statements are part of a catechism intended to explain why so many people continue to smoke, when clearly they shouldn't. That catechism does not admit the possibility that smoking might offer some people benefits that in their minds outweigh its hazards. This blindness is inherent in the public health perspective, which seeks collective prescriptions that do not take account of individual tastes and preferences. It recognizes one supreme value—health—that cannot be trumped by other considerations.

Having promoted smoking from risk factor to disease, the public health establishment now targets alleged risk factors for smoking, most notably cigarette advertising. "If exposure to cigarette advertising is a risk factor for disease," writes Rep. Henry Waxman (D-Calif.) in a 1991 *JAMA* editorial, "it is incumbent on the public and elected officials to deal with it as we would the vector of any other pathogen." In other words, banning cigarette ads is like draining the swamps where the mosquitos that carry malaria breed. That seems to be the assumption underlying the Clinton administration's proposed restrictions on tobacco advertising.

The alarm about the danger posed by cigarette advertising is based largely on well-publicized studies in medical journals that prove less than the researchers' conclusions and accompanying editorials imply. A typical example is the 1991 *JAMA* study cited by the Clinton administration. The researchers reported that 6-year-olds were as likely to match Joe Camel with a pack of cigarettes as they were to match the Disney Channel logo with Mickey Mouse. "Given the serious consequences of smoking," they wrote, "the exposure of children to environmental tobacco advertising may represent an important health risk...." But recog-

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nizing Joe Camel is not tantamount to smoking, any more than recognizing the logos for Ford and Chevrolet (which most of the kids in the study did) is tantamount to driving.

The same issue of *JAMA* carried an article reporting that Camel's market share among smokers under the age of 18 increased from 0.5 percent in 1988 to nearly 33 percent in 1991. The authors attributed the change to the Joe Camel campaign and concluded that "a total ban of tobacco advertising and promotions...can be based on sound scientific reasoning." Yet during the period covered by the study, smoking among minors actually *fell*. So while Joe Camel may have had something to do with the shift in brand preferences (a shift that also occurred in other age groups, though less dramatically), he cannot be blamed for convincing more kids to smoke.

Jean J. Boddewyn, a marketing professor at Baruch College who is skeptical of the alleged link between tobacco advertising and consumption levels, has argued that medical journals are not an appropriate venue for such research. Writing in the December 1993 issue of the *Journal of Advertising*, he suggests that medical editors and reviewers lack expertise in the area and are too quick to publish articles that reflect badly on the tobacco industry. "How would the [*Journal of Advertising*'s] reputation fare," he wonders, "if it published an article on the *health consequences of smoking*, after asking only advertising specialists to review it?" Boddewyn also complains that articles on tobacco advertising in medical journals rarely refer to relevant sources outside the public health literature.

Alcohol Abuse. Like smoking, alcohol abuse is considered a disease within the public health field. *Community Health* (1978), by C.L. Anderson, Richard F. Morton, and Lawrence W. Green, calls alcoholism "an inborn defect of metabolism," while *Introduction to Public Health* defines it as "the progressive chronic illness characterized by habitual heavy drinking that interferes with numerous...aspects of an individual's life." This view of alcoholism remains controversial, but it has a long pedigree, dating back to Benjamin Rush in the 18th century. As *Introduction to Public Health* concedes, however, "alcohol in moderation appears to do the body no permanent harm."

Nevertheless, heavy taxation of alcoholic beverages is a standard public health prescription for alcohol abuse. Restrictions on sales and advertising are also popular. Advocates of such measures hope to reduce overall consumption of alcohol and thereby reduce alcohol abuse. "The cost of alcohol should be greatly increased by taxation," *Community Health* recommends. "There is an excellent correlation between a low relative price, high consumption, and high cirrhotic mortality in international comparisons." In fact, it is not clear that reducing overall consumption would have much of an impact on alcohol abuse. It is precisely the people who have the biggest problems with alcohol who would be most resistant to changes in price or availability. Furthermore, societies or ethnic groups with relatively low drinking rates may have relatively high rates of abuse, and vice versa.

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Assuming a tax hike did reduce alcohol problems, it would not necessarily be justified even on utilitarian grounds. Since moderate drinkers far outnumber alcoholics, their foregone pleasure might well outweigh the benefits of less alcohol abuse. As in the case of smoking, the public health paradigm simply ignores this issue.

Drug Abuse. In the early 1970s a debate raged in academic journals about the merits of studying illegal drug use as if it were an epidemic. Critics of this approach noted that illegal drug use is not caught like a virus; it is volitional behavior. Proponents of the disease model said this didn't matter.

Community Health explains: "If drug abuse is seen as a practice that is transmitted from one person to another, it may be considered for operational purposes as a contagious illness. This approach makes it possible to apply to its study the methods and terminology used in the epidemiology of infectious diseases. In the epidemiological model the infectious agent is heroin, the host and reservoir are both man, and the vector is the drug-using peer....The disease presents all the well-known characteristics of epidemics, including rapid spread, clear geographic bounds, and certain age groups and strata of the population being more affected than others."

But these criteria apply to many phenomena that we do not treat as epidemics, including clothing fashions, recreational trends, rumors, jokes, and political ideas. Clearly, not everything that spreads from person to person is an epidemic.

Presumably, an epidemic has to be something bad. Oddly, however, *bad* is defined not by the individuals involved but by the epidemiologist. A happy, productive, well-adjusted user of illegal drugs is still sick, still part of an epidemic, even though he doesn't realize it. Alternatively, as former drug czar William

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Bennett has argued, the moderate drug user is an asymptomatic carrier—a Typhoid Mary—spreading misery to others by setting a bad example, even though he feels fine. (Indeed, by doing well while doing drugs, he is a more serious threat in this regard than the addict in the gutter.) Either way, the user has to be isolated and cured, whether he likes it or not.

To be fair, it should be noted that many public health specialists do not tow the official government line, which defines any use of illegal drugs as abuse. They often acknowledge that prohibition has side effects and that the distinctions made by the law do not necessarily correspond with the objective hazards of various drugs. Defining drug use as a public health problem, rather than a crime, they tend to support "harm reduction" measures such as legal availability of syringes and needles, the use of medical marijuana, and "treatment" as an alternative to prison.

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Still, the medical model has coercive implications, especially if "denial" is understood as one component of the "disease." Smolensky says law enforcement agencies should "ignore the user, since his is a medical problem which requires prevention, therapy, or rehabilitation, and is not a criminal act." This begs the question of what happens when the user resists "prevention, therapy, or rehabilitation."

Obesity. If smoking, alcohol abuse, and illegal drug use can be diseases, surely obesity can. It carries substantial health risks, and people who are fat generally don't want to be. They find it difficult to lose weight, and when they do succeed they often relapse. When deprived of food, they suffer strong cravings and other withdrawal symptoms.

Recently, the "epidemic of obesity" has been trumpeted repeatedly on the front page of *The New York Times*. The first story, which appeared in July 1994, was prompted by a study from the National Center for Health Statistics that found the share of American adults who are overweight increased from a quarter to a third between 1980 and 1991. "The government is not doing enough," complained Assistant Secretary of Health Philip R. Lee. "We don't have a coherent, across-the-board policy." The second story, published last September, reported on a *New England Journal of Medicine* study that found gaining as little as 11 to 18 pounds was associated with a higher risk of heart disease—or, as the headline on the jump page put it, "Even Moderate Weight Gains Can Be Deadly." The study attributed 300,000 deaths a year to obesity, including a third of cancer deaths and most deaths from cardiovascular disease. The lead researcher, JoAnn E. Manson, said, "It won't be long before obesity surpasses cigarette smoking as a cause of death in this country."

If, as Assistant Secretary Lee recommends, the government decides to do more about obesity—the second most important preventable cause of death in this country (soon to be the first)—what would "a coherent, across-the-board policy" look like? As early as June 1975, in its *Forward Plan for Health*, the U.S. Public Health Service was suggesting "strong regulations to control the advertisement of food products, especially those of high sugar content or little nutritional value." But surely we can do better than that. A tax on high-fat foods would help cover the cost of obesity-related illness and disability, while deterring overconsumption of ice cream and steak. Of course, such a tax would be paid by the lean as well as the overweight. It might be more fair and efficient to tax people for every pound over their ideal weight. Such a market-based system would make the obese realize the costs they impose on society and give them an incentive to slim down. Last year I suggested this plan in *National Review*, and the magazine received a couple of letters from readers who took it seriously. Fortunately, they were outraged; but I can't shake the thought that somewhere in Washington a public health bureaucrat read the item and said, "Hmmm...."

Violence. In *Sentinel for Health: A History of the Centers for Disease Control*, Elizabeth W. Etheridge notes that CDC Director William Foege encountered resistance when he pushed the boundaries of public health in the late 1970s. "Of all the areas," she writes, "violence was the most controversial and the one the public health community found hardest to accept." The opposition to this idea is not surprising. Even people who are willing to redefine risky habits as diseases may be troubled by the denial of individual responsibility implicit in treating assault and murder like an outbreak of influenza.

Focusing on guns is one way of obscuring the moral issues raised by the public health approach to violence. As Chicago pediatrician Katherine Cristoffel, founder of the HELP (Handgun Epidemic Lowering Plan) Network, explained in a 1994 *American Medical News* article: "Gun violence should be treated like polio and tuberculosis and every other epidemic. Guns are a virus that must be eradicated." She drew a parallel with the campaign against smoking: "It is possible to ban guns. There's a precedent in cigarette smoking. Before the surgeon general's report, it was a moral issue, a personal rights issue. But once it was declared a public health issue, there was a dramatic change....Get rid of cigarettes, get rid of secondhand smoke, and you get rid of lung disease. It's the same with guns. Get rid of the guns, get rid of the bullets, and you get rid of the deaths."

This is not merely the opinion of a few wild-eyed activists.

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The public health establishment has consistently endorsed stricter gun control, treating firearms as a "risk factor," a "pathogen," a "social ill" to be minimized or eliminated. According to *Healthy People*, the 1979 surgeon general's report, "Measures that could reduce risk of firearm deaths and injuries range from encouraging safer storage and use to a ban on private ownership. Evidence from England suggests that prohibiting possession of handguns would reduce the number of deaths and injuries, particularly those unrelated to criminal assaults." In 1979 the CDC endorsed the goal of reducing the number of privately owned handguns, with an initial target of a 25 percent decrease by 2000. In 1992 C. Everett Koop declared violence "a public health emergency" and, in response, endorsed a national licensing system for gun owners.

Public health research on firearms, much of it funded by the CDC, has attracted a great deal of publicity, generating many of the factoids that supporters of gun control are fond of citing. Consider the claim that "a gun in the home is 43 times as likely to kill a family member as to be used in self-defense." This is based on a 1986 study by Arthur L. Kellermann and Donald T. Reay published in the *New England Journal of Medicine*. Examining gunshot deaths in King County, Washington, from 1978 to 1983, Kellermann and Reay found that, of 398 people killed in the home where the gun was kept, only two were intruders shot while trying to get in. "We noted 43 suicides, criminal homicides, or accidental gunshot deaths involving a gun kept in the home for every case of homicide for self-protection," they wrote. It's not a good idea, they suggested, to keep a gun at home.

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But since Kellermann and Reay considered only cases resulting in death, which surveys indicate are a tiny percentage of defensive gun uses, this conclusion does not follow at all. "Mortality studies such as ours do not include cases in which burglars or intruders are wounded or frightened away by the use or display of a firearm," they conceded. "Cases in which would-be intruders may have purposely avoided a house known to be armed are also not identified." By leaving out such cases, Kellermann and Reay excluded almost all of the lives saved, injuries avoided, and property protected by keeping a gun in the home.

In contrast with the criminological literature, where scholars on both sides of the issue carry on a lively debate, studies published in the *New England Journal of Medicine*, *JAMA*, and other medical or public health journals almost invariably condemn gun ownership and advocate stricter gun control. As with the studies of tobacco advertising, the public health researchers rarely cite scholars from other disciplines, preferring to stay within a field where almost everyone agrees that guns are bad.

The public health research on gun ownership, like the research on other kinds of "unhealthy" behavior, is driven by the expectation that people will change their ways once they realize the risks they are taking. *Healthy People* notes that "formidable obstacles" stand in the way of improved public health. "Prominent among them are individual attitudes toward the changes necessary for better health," it says. "Though opinion polls note greater interest in healthier lifestyles, many people remain apathetic and unmotivated....Some consider activities to promote health moralistic rather than scientific; still others are wary of measures which they feel may infringe on personal liberties. However, *the scientific basis for suggested measures has grown so compelling, it is likely that such biases will begin to shift.*" (Emphasis added.) In other words, only those ignorant of the scientific evidence could possibly oppose the public health agenda.

This assumption is central to the public health mentality. Back in 1879, John S. Billings stated it quite candidly: "By some writers, as Wilhelm von Humboldt and John Stuart Mill, it is denied that the State should directly attempt to improve the physical welfare of its citizens, on the ground that such interference will probably do more harm than good. But all admit that the State should extend special protection to those who are incapable of judging their own best interests, or of taking care of themselves, such as the insane, persons of feeble intellect, or children; and we have seen that in sanitary matters the public at large are thus incompetent."

Billings was defending traditional public health measures aimed at preventing the spread of infectious diseases and controlling health hazards such as rotting animal carcasses. It is reasonable to expect that such measures will be welcomed by the intended beneficiaries, once they understand the aim. The same cannot be said of public health's new targets. Even when they know about the relevant hazards (and assuming the information is accurate), many people will continue to smoke, drink, take illegal drugs, eat fatty foods, buy guns, speed, eschew seat belts and motorcycle helmets, and otherwise behave in ways frowned upon by the public health establishment. This is not because they misunderstand; it's because, for the sake of pleasure, utility, or convenience, they are prepared to accept the risks. When public health experts assume that these decisions are wrong, they do indeed treat adults like incompetent children.

One such expert, writing in the *New England Journal of Medicine* 20 years ago, declared, "It is a crime to commit suicide quickly. However, to kill oneself slowly by means of an unhealthy life style is readily condoned and even encouraged." The article prompted a response from Robert F. Meenan, a professor

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at the University of California School of Medicine in San Francisco, who observed: "Health professionals are trained to supply the individual with medical facts and opinions. However, they have no personal attributes, knowledge, or training that qualifies them to dictate the preferences of others. Nevertheless, doctors generally assume that the high priority that they place on health should be shared by others. They find it hard to accept that some people may opt for a brief, intense existence full of unhealthy practices. Such individuals are pejoratively labeled 'noncompliant' and pressures are applied on them to reorder their priorities."

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More than 75 years ago, H.L. Mencken complained about this tendency to impose a moral value—the paramount importance of health—in the guise of medical science. "Hygiene is the corruption of medicine by morality," he wrote in 1919. "It is impossible to find a hygienist who does not debase his theory of the healthful with a theory of the virtuous." The public health establishment seeks government power to impose its vision of virtue on the rest of America.

And public health doctrine admits no limits. *Principles of Community Health* tells us that "the most widely accepted definition of individual health is that of the World Health Organization: 'Health is a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity.'" A government empowered to maximize "health" is a totalitarian government.

In response to such concerns, the public health establishment argues that government intervention is justified because individual decisions about risk affect other people."Motorcyclists often contend that helmet laws infringe on personal liberties," notes *Healthy People,* "and opponents of mandatory laws argue that since other people usually are not endangered, the individual motorcyclist should be allowed personal responsibility for risk. But the high cost of disabling and fatal injuries, the burden on families, and the demands on medical care resources are borne by society as a whole." This familiar line of reasoning implies that all resources—including not just taxpayer-funded welfare and health care but private savings, insurance coverage, and charity—are part of a common pool owned by "society as a whole" and guarded by the government. Similarly, "social cost" calculations for tobacco and alcohol count medical expenses, regardless of who pays them or under what circumstances, and "lost productivity," as if every individual owes a full lifetime of income (at the highest possible wage?) to "society as a whole."

As Faith T. Fitzgerald, a professor at the University of California, Davis, Medical Center, writes in the *New England Journal of Medicine*: "Both health care providers and the commonweal now have a vested interest in certain forms of behavior, previously considered a person's private business, if the behavior impairs a person's 'health.' Certain failures of self-care have become, in a sense, crimes against society, because society has to pay for their consequences....In effect, we have said that people owe it to society to stop misbehaving, and we use illness as evidence of misbehavior."

Most public health practitioners would presumably recoil at the full implications of the argument that government should override individual decisions affecting health because such decisions have an impact on "society as a whole." They are no doubt surprised and offended to be called "health fascists," when their goal is to extend and improve people's lives. But some defenders of the public health movement recognize that its aims are fundamentally collectivist and cannot be reconciled with the American tradition of limited government. In 1975 Dan E. Beauchamp, then an assistant professor of public health at the University of North Carolina and currently a professor in the School of Public Health at the State University of New York at Albany, presented a paper at the annual meeting of the American Public Health Association in which he argued that "the radical individualism inherent in the market model" is the biggest obstacle to improving public health.

"The historic dream of public health that preventable death and disability ought to be minimized is a dream of social justice," Beauchamp said. "We are far from recognizing the principle that death and disability are collective problems and that all persons are entitled to health protection." He rejected "the ultimately arbitrary distinction between voluntary and involuntary hazards" and complained that "the primary duty to avert disease and injury still rests with the individual." He called upon public health practitioners to challenge "the powerful sway market-justice holds over our imagination, granting fundamental freedom to all individuals to be left alone." Of all the risk factors for disease and injury, freedom may be the most important. ®

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Gay Rites

Hawaii couple Genora Dancel and Ninia Baehr are suing for the right to marry.

Hawaii may soon become the first state to recognize same-sex marriages. But some gay leaders suggest a go-slow policy of "domestic partnerships" might be better.

By David Link

On January 30, 1995, Evan Wolfson, a lawyer for the Lambda Legal Defense and Education Fund, put the question to a room full of leaders of various grassroots lesbian and gay organizations in Los Angeles: *What do we do about Hawaii?*

Most people don't view Hawaii as any sort of problem, but that's about to change. The issue that has been lurking at the fringes of American public policy debate since the inception of the gay rights movement is now ready to take furious bloom, with its roots in the tropical paradise. Like it or not, Wolfson said, Hawaii is about to launch the country into a raging controversy over same-sex marriage.

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The only thing homosexual leaders can do, he told the crowd, is prepare for the pandemonium by getting all their arguments in order. By devising a campaign of public information and reasoned conviction, he suggested, lesbians and gay men can avoid the chaos they confronted when Bill Clinton pressed the issue of gays in the military before gay leaders had a chance to get their ducks in a row.

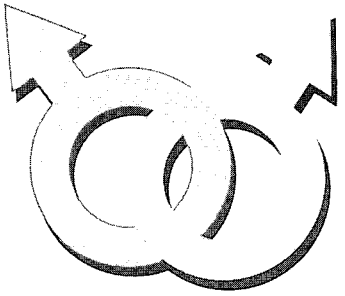
The stage is certainly set for this debate. In *Baehr v. Lewin*, the Hawaii Supreme Court ruled that under the state constitution, it appeared that any denial of the right of same-sex couples to marry one another could not stand. Because the decision is not based on any federal constitutional rights, the Hawaii Supreme Court will have the final word in this case, with no appeal to or review by the U.S. Supreme Court possible. The court ultimately ordered a trial on the question of whether the state could show a compelling interest that would permit opposite-sex couples to marry while denying that right to same-sex couples.

Under well-settled law, a "compelling interest" must be more than just a good reason—it is the highest level of court scrutiny laws are subject to, and the most difficult for them to survive. That trial is now set for July 1996, and Wolfson is convinced, with good reason, that legal precedent indicates the state will lose. Dan Foley, his co-counsel in Hawaii, is equally certain of a trial court victory. Their efforts could make Hawaii the first state in the country to permit same-sex marriage.

On the other hand, little more than a week before Wolfson addressed the packed room in Los Angeles, the District of Columbia Court of Appeals ruled the opposite way. In *Dean v. District of Columbia,* the federal court said that a D.C. opposite-sex–only marriage ordinance did not violate any of the statutory or constitutional rights a same-sex couple asserted. Neither the Hawaii decision nor the D.C. one was easy: Each divided up three ways, with judges falling all over the ideological map. The D.C. decision ran to 57 pages, the Hawaii decision to just under 30.

Other cases that raise similar questions are already moving through the system nationally. The most compelling is in Georgia, where Robin Shahar, a deputy district attorney in Atlanta, was fired from her job after she had a religious ceremony blessing her same-sex union. A trial court ruled that under Georgia law that was sufficient evidence to fire her, and the case is currently on appeal.

Shahar's case is important because it illustrates how profoundly marriage intertwines legal and religious issues. Even conservative Christians might recognize in Shahar's lawsuit a straightforward punishment by the state for engaging in an exercise of religion. The ceremony she and her partner engaged in was purely religious, and did not involve the sort of civil marriage that is at issue in Hawaii and the District of Columbia. If you can get fired for having a marriage ceremony in your own church which your government finds distasteful, what other kinds of religious ceremonies might states want to punish people for?



No one really believes for a moment, though, that the Christian Coalition would rush to defend the religious rights of same-sex couples. Indeed, just the opposite is true. Shahar's case seems to have stymied most conservative leaders, while the Hawaii situation has put the religious right into an uproar, with the predictable fundraising appeals already in the mail. Pat Robertson's *700 Club* is distributing a "fact sheet" which alerts its members that what's going on in Hawaii "forewarns the inevitable downfall of America."

Nearly a thousand federal statutes use the term spouse or marriage, usually deferring to state law on how those terms are defined. Unless those laws are changed, the federal government might find itself recognizing homosexual marriages and having to answer to the electorate. Few Democrats and fewer Republicans could defend same-sex marriage without raising electoral eyebrows.

Lesbians and gay men view Hawaii somewhat differently. If the plaintiffs win there in July, trips to Honolulu for gay marriages will become as much the rage as trips to Reno used to be for straight divorces. And the impact won't be limited to the Aloha state, either. The U.S. Constitution's Full Faith and Credit Clause requires states to recognize the judicial acts and proceedings of fellow states, and marriage has long been one of the core proceedings that is entitled to interjurisdictional acceptance. So a single state that recognizes same-sex marriages opens up the debate across the country. (Under certain limited and very rare circumstances, though, a state may refuse to recognize a marriage legal in another state. The Hawaii situation has prompted preemptive legislative efforts in Utah, Alaska, and South Dakota to deny legal recognition to out-of-state same-sex marriages with some successes.)

There's more: Nearly a thousand federal statutes use the term *spouse* or *marriage*, usually deferring to state law on how those terms are defined. Unless those laws are changed, the federal government might find itself recognizing homosexual marriages and having to answer to the electorate. Few Democrats and fewer Republicans could defend same-sex marriage without raising electoral eyebrows.

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In one sense, the furor these cases will arouse is another manifestation of a debate that's been around for years. Fears of same-sex marriage were part of what made the national debate over the ERA so absurdly colorful two decades ago. Yet prior to 1994, only four reported court cases dealt head-on with same-sex marriage—three in the early '70s and one in 1984.

All dismissed the marriage claims briefly, using language similar to this 1973 decision out of Kentucky: "[M]arriage has always been considered as a union of a man and a woman....It appears to us that appellants are prevented from marrying, not by the statutes of Kentucky or the refusal of the County Clerk... to issue them a license, but rather by their own incapability of entering into a marriage as that term is defined....In substance, the relationship proposed by the appellants does not authorize the issuance of a marriage license because what they propose is not a marriage."

Evan Wolfson: The Lambda Legal Defense and Education Fund lawyer notes that a principled stand for gay marriage could pay off, even if it's a loser. Nothing galvanizes lesbians and gay men like a high-profile slap in the face.

The Hawaii Supreme Court found such arguments circular. Its plurality noted that the question comes down to competing definitions of marriage: Is marriage defined as the union of two persons, or is it the union of two persons of opposite sexes? If you think the second definition is the proper one, same-sex couples are making a frivolous claim because they are defying a definition as inalterable as the law of gravity. If you choose the first definition, however, same-sex couples may or may not be entitled to marry one another, depending on what you view as the underlying purposes of civil marriage.

Same-sex couples contend that among the most important purposes of marriage is encouragement of the mutual support, care, and affection that publicly committed partners make to one another, and that same-sex couples' commitments are as important to social stability and order as the commitments of opposite-sex couples.

Jon Davidson of the Southern California ACLU argues forcefully that the bottom-line reason for treating marriage as an exclusively heterosexual institution is usually found to be reproduction. Indeed, after the Supreme Court ruled in *Baehr v. Lewin*, the Hawaii legislature passed a nonbinding resolution to reaffirm that its current law is "intended to foster and protect the propagation of the human race through male-female marriages." But there is no fertility requirement for getting a marriage license, in Hawaii or anywhere else; states do not revoke the marriage licenses of heterosexual couples who do not, will not, or cannot reproduce. Nor is it true that homosexual couples can't qualify as reproducers, as legions of lesbian and gay parents can attest.

Thus, the best the state could argue is that Hawaii's "compelling" interest in keeping marriage an opposite-sex–only proposition is promoting the *appearance* of *potential* reproduction irrespective of actual reproduction. According to the bill, for example, marriage in Hawaii is only for those couples whose "genetic makeup suggest [sic] the possibility of offspring." Suggesting the *possibility* of offspring through genetic makeup seems to fall short of the target of fostering the propagation of the human race. And in a world that no one seriously argues is underpopulated, Hawaii's decision to take responsibility for the propagation of the entire planet's race, while ambitious, may not amount to an interest that can fairly be described as "compelling." After the state Supreme Court's divided but savvy decision in *Baehr*, it is highly unlikely such thin reasoning would survive review.

But it's still possible for the gay community to win in Hawaii and lose in the rest of the nation. Indeed, even a court victory in Hawaii could ultimately be short-lived. A poll of Hawaii residents taken several months after *Baehr* was decided showed that 67 percent actively opposed same-sex marriage. Such feelings are typical of the country as whole. A national *Newsweek* survey from last year found that 62 percent of adults oppose same-sex marriage, even though polls consistently show most Americans believe lesbians and gays should not suffer discrimination based on sexual orientation. If same-sex marriage ripens into an actuality, prompting the inevitable national furor, there is a good possibility that there would be sufficient votes in Hawaii and elsewhere to amend state constitutions outright and to take other action that could cut back on even existing protections against sexual-orientation discrimination.

In Los Angeles, Evan Wolfson recognized that possibility. He notes, though, that there is a lot to be said for taking the principled position, even if it's a loser. Nothing galvanizes lesbians and gay men like a high-profile slap in the face. The Supreme Court's ill-reasoned and much-vilified decision upholding anti-sodomy laws in *Bowers v. Hardwick* remains, nearly a decade after its release, one of the principal rallying points for lesbians and gay men across the country.

Perhaps, then, the best lesbians and gay men can hope for is a brief interval of same-sex marriage in Hawaii and

DENNY LEE

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the possibility of limited recognition in some other states. This may come at the cost of a national political debate that ought to make gays in the military look tame but will nonetheless raise everyone's consciousness, and some serious and openly anti-gay legislative efforts.

Instead of taking on such a potentially damaging crusade, suggests Los Angeles lawyer Thomas F. Coleman, gays and lesbians should pursue recognition of domestic partnerships in Hawaii, rather than full-blown same-sex marriage. Coleman is no enemy of same-sex couples. Indeed, he has spent over two decades working to secure the rights of unmarried partners, gay and straight alike. He developed and taught one of the first courses in the country (in the late '80s, at the University of Southern California Law Center) that explored the theoretical and legal basis for recognizing domestic partners.

But Coleman has always maintained a core pragmatism about the politics surrounding same-sex marriage. He believes that you have to have support at the grassroots level before a court decision will do you any good. He is fond of noting that, "You don't build the penthouse until you've constructed the first 19 floors." To Coleman, marriage is the penthouse issue in gay rights that will sit atop a building that isn't yet completed.

As a legal concept, domestic partnership is designed to address the gray area occupied by couples living together with mutual, permanent commitments to one another who, for whatever reasons (including the legal inability to get married), do not marry but nevertheless believe their relationships ought to be entitled to recognition, ranging from joint library card privileges and gym memberships to tax and health insurance advantages.

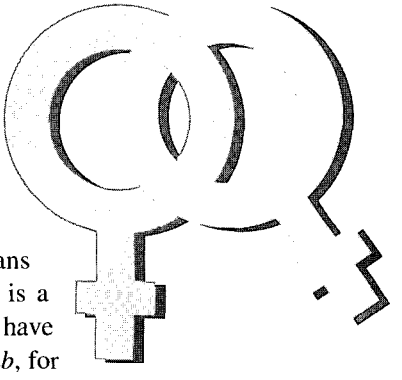
The dilemma facing domestic partners in general is particularly acute for homosexual couples. If marriage is defined to include only two people of opposite sex, lesbians and gay men must remain legally "single" for their whole life, even if they are in a relationship that is otherwise identical to a heterosexual marriage. Same-sex couples who have settled into a traditional domestic life may hold themselves out as partners to friends and family, take themselves off the dating merry-go-round, raise children together, go through religious commitment ceremonies, or exhibit any of a number of other characteristics that we associate with stable relationships. Legal recognition of the couple's commitment is denied to them only because of sexual orientation.

Courts that have denied legal benefits to same-sex (and even some opposite sex) couples do so primarily based on an evidentiary concern. No matter how the couple feels about their relationship subjectively, how is a court to know, short of a legal marriage license, that the couple is truly like a marital community? As two legally single people, the couple could be nothing more than good friends, or roommates.

There are legally recognized ways to tell the difference between good friends and domestic partners, however. New York's highest court, for example, ruled that there can be plenty of objective evidence of an unmarried couple's mutual obligations—joint bank accounts or insurance policies, wills, public and private acceptance of the couple as a couple—to support certain kinds of treatment equal to that accorded married couples. And many private employers with money on the line have managed to find satisfactory ways for couples to demonstrate they're more than just good friends.

Coleman stresses that as the magnitude of the benefit increases, the assurance that the couple is truly committed must also increase. So, for example, permission from the library for two people to use the same card should require less formal evidence of commitment than an insurer might want in order to grant the family discount for health coverage. When there are high legal and economic consequences to recognition of the couple, Coleman requires that they sign a legally binding domestic partnership agreement, which, depending on its wording, may impose on the couple the same kinds of legal responsibilities to one another that marriage does, vis à vis such things as third-party creditors when one person takes on debt, or mutual obligations of support between the partners. And the couple must be fully aware that the agreement imposes such binding obligations.

If an education campaign is going to do any good at all, it's going to have to educate people who aren't already up to speed. It's easier to teach algebra to a physics professor than to a seventh grader. Getting a group of lesbian and gay Latinos to sign on to the marriage resolution is not going to do much in the way of persuading heterosexuals in Cleveland that same-sex marriage is a good idea.



At the January meeting in Los Angeles, Coleman laid out his case for holding off on legal challenges to same-sex marriage in order to pursue domestic partnership in the Hawaii legislature. While some lesbian and gay leaders are coming to view marriage as the core issue of the movement right now, he notes that most Americans don't quite comprehend why this is a problem, and some religious groups have gone off the deep end. *The 700 Club*, for

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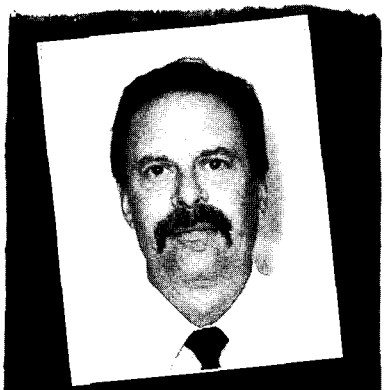
instance, decries the oncoming "*Hawaiian Tidal Wave*" as "powerful enough to reconfigure the nation's social and political landscape."

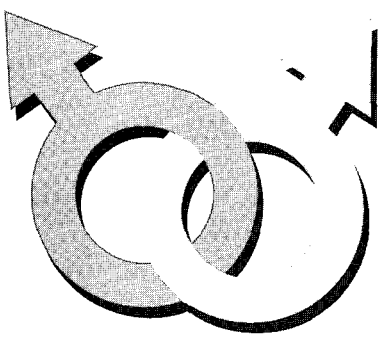
State recognition of domestic partnership, says Coleman, would solve many of the problems while sidestepping the inevitable fracas surrounding same-sex marriage. Domestic partnership, unheard of only two decades ago, has taken unimaginable strides in acceptance. Over the past 15 years, domestic partnership has provided the source for literally thousands of private businesses (including industry giants such as Apple Computer, Coors Brewing, Walt Disney Co., and Levi-Strauss), local governments, and other institutions across the country to recognize unmarried couples for purposes of a wide array of benefits and privileges.



Thomas Coleman: The L.A. lawyer suggests gays and lesbians should pursue recognition of domestic partnerships in Hawaii, rather than full-blown same-sex marriage. He believes you need to have support at the grassroots level before a court decision will do any good.

As important, the Full Faith and Credit Clause issues raised by a Hawaii marriage license would be foreclosed for domestic partnerships entered into under Hawaii law. Nor would federal rights—such as joint income tax returns and immigration laws—necessarily be affected by a state-level domestic partnership law. (Congress could, of course, accept domestic partnerships under federal law, but the chances are virtually nil right now.)

No one believes domestic partnership is a separate-but-equal form of marriage—it is clearly legally inferior to marriage. But the differences that make domestic partnership subordinate also serve as a political strength. Hawaii is a special case because it's the first time domestic partnership is actually available as the compromise position. Domestic partnership, which has been proposed but not accepted in several states, has always been viewed as too radical. Hawaii, though, has to consider an even more radical concept, and the choice between same-sex marriage and domestic partnership makes the latter much easier to accept. In fact, one reason the Hawaii trial was set for July 1996 is that Gov. Ben Cayetano appointed a commission to study the legal viability of domestic partnership. Some hope that if the Hawaii legislature recognizes same-sex couples through domestic partnership, the issue of same-sex marriage will be defused.



While domestic partnership may present itself as a workable political compromise, it's not clear whether it would pass a judicial compelling interest test. The decision in *Baehr v. Lewin* split along a 2–1–2 vote, and there have been personnel changes since the ruling. Given *Baehr*, the court can essentially rule one of two ways. First, it can rule that Hawaii's exclusion of same-sex marriage is indeed a violation of the Equal Protection Clause, but a justified one (similar logic was used in the *Bakke* decision with respect to affirmative action). Second, it can say anything short of allowing same-sex marriage is illegal.

Whatever the judicial shakeout, it's undeniable that domestic partnership would grant same-sex couples access to a variety of benefits from which they are currently excluded. The plaintiffs' brief in *Baehr v. Lewin*, for example, listed about 65 different benefits under state law that the plaintiffs were being denied, from the right to sue for a partner's wrongful death to lower hunting license fees. A state-recognized domestic partnership statute could grant every one of those benefits.

In other words, Hawaii's recognition of domestic partnership would be a classic example of federalism, of the much-vaunted "laboratory of the states." Because it need not necessarily be recognized by any other state and because it does not provide any automatic challenge to existing federal laws, domestic partnership would not compel another national debate over gay rights in a context that's an almost sure loser for lesbians and gay men. If Hawaii wants to recognize relationships that South Carolina wouldn't touch with a 10-foot pole, why should South Carolina or Washington, D.C., care?

Domestic partnership, argues Coleman, can move the country forward incrementally, avoiding all the drama. It is a very strong possibility in Hawaii right now, if only because legislators are looking for any route that will avoid a constitutional showdown over marriage.

An additional advantage of a domestic partnership statute, says Coleman, is not so obvious: Court decisions protecting rights are, or ought to be, a last resort. Constitutional protection of rights, whether state or federal, is never entirely independent of political winds. This country is not without examples of court-recognized rights that set politics into turmoil, and whatever else we can expect from the 1996 elections, candidates stumping in favor of gay marriages are unlikely.

In that atmosphere, a legislative determination that same-sex couples are entitled to certain benefits is a political victory of incredible magnitude precisely because it

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comes from the majoritarian legislature rather than from the minority-protecting courts. And it is momentous because it moves the debate beyond the recognition of individual lesbians and gay men—whose rights are legally protected *as individuals* in a number of states—to focus on their relationships, and does so through the democratic process. Those are powerful factors to consider.

In contrast, Evan Wolfson's trust in the power of a strong public education campaign about same-sex marriage requires a commitment from a widely diverse gay community that it is not always able to muster. Suspicion about same-sex marriage is not in short supply, particularly among the most left-leaning lesbians, who criticize *all* marriage as a patriarchal nightmare, and among the usual band of libertine suspects to whom settling down is a fate worse than death. Meanwhile, some high-profile gays, such as author Bruce Bawer, *The New Republic*'s Andrew Sullivan, and the Cato Institute's David Boaz have argued that legal recognition of same-sex relationships is a conservative proposition, one that reinforces traditional American values. Anong some gay activists, that is viewed as selling out.

And, so far at least, the public education campaign about gay marriage has suffered from solipsism. In an August 28 press release on the Internet's Same-Sex Marriage homepage, Lambda touted the success of its marriage resolution, which says that states should not discriminate against same-sex couples who want to get married. But of the 23 groups who had signed on, more than half had "gay" and/or "lesbian" in the title; the rest were either well-known gay rights organizations such as Lambda, the Human Rights Campaign Fund, Dignity, and the Log Cabin Republicans, or else staunch liberal groups such as NOW and the ACLU.

Simply put, if an education campaign is going to do any good at all, it's going to have to educate people who aren't already up to speed. It's easier to teach algebra to a physics professor than to a seventh grader. Getting a group of lesbian and gay Latinos to sign on to the marriage resolution is not going to do much in the way of persuading heterosexuals in Cleveland that same-sex marriage is a good idea.

To be effective, any public education campaign will have to do more than reiterate Bill Clinton's advice to lesbians and gay men during the debate over the military. Get out there and tell your stories, he said. Let people see what you've been going through, feel your pain. *That'll* convince 'em. But the failure of that strategy during the military debate had nothing to do with a lack of good personal stories. From Perry Watkins to Grethe Cammermeyer to Joe Steffan, the gay community brought out its best and its brightest to illustrate the case. Randy Shilts wrote a whole book of the most compelling stories imaginable, and the result was "don't ask, don't tell."

Such a strategy seriously misconstrues the nature of education. Education—at least in a political context—isn't something you *give* to people, it's an argument you *make*—and it involves very hard work. Stories, even the best personal ones, don't do the trick. You can't just entertain people—you have to change their minds.

Wolfson is adamant that this is not a fight he has chosen—it is one that has chosen him, and all he can do is prepare for it as best he can. But Coleman says there are ways to avoid a national debate over same-sex marriage, and good reasons to wait, even if only for a year or two. Domestic partnership is not the kind of "compromise" that don't-ask-don't-tell is. It provides concrete benefits (about five dozen of them in Hawaii) to committed couples who are entitled to them, and it sidesteps a host of extremely difficult problems. And a domestic partnership law in Hawaii in no way forecloses the possibility of same-sex marriage—after continued debate. That debate is as inevitable as it is necessary.

Hawaii's recognition of domestic partnership would be a classic example of federalism. Because it need not be recognized by any other state, domestic partnership would not compel another national debate over gay rights in a context that's an almost sure loser for lesbians and gay men. If Hawaii wants to recognize relationships that South Carolina wouldn't touch with a 10-foot pole, why should South Carolina care?

Coleman figures that public support for gay marriage is a good 10 years off. Regardless of the accuracy of this estimate, he appears to be on the mark in believing that recognizing domestic partnerships can keep the political temperature down for a while and give heterosexuals of good will a chance to get used to the idea of lesbians and gay men, not just as individuals, but as couples.

The question of what to do about Hawaii lands the gay community once again square in the middle of a dilemma that's as old as politics itself: the conflict between principle and pragmatism. As with most other questions, the positions are not mutually exclusive. Wolfson's principle is not utterly rash; Coleman's pragmatism doesn't lack principle. But with a trial pending and a state legislature pondering, this is the first time when some resolution of the legal rights of same-sex couples is unavoidable. ®

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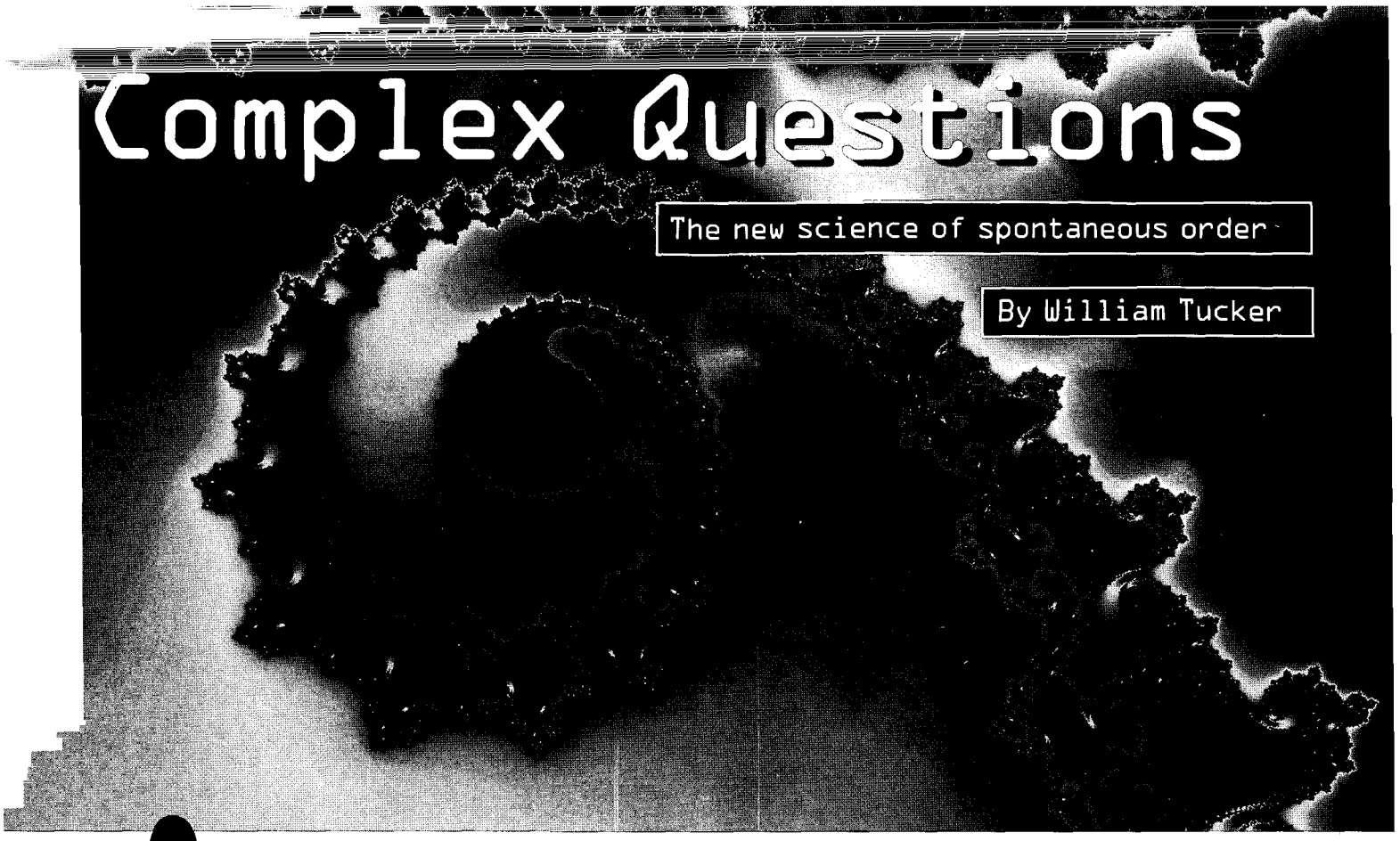

Complex Questions

The new science of spontaneous order

By William Tucker

About a year ago Stephanie Forrest of the University of New Mexico and Terry Jones of the Santa Fe Institute—the nerve center of "complexity" research—were fooling around with ECHO, an artificial evolution program developed by Chris Langton, the father of "artificial life." Like most research in the emerging field of complexity, ECHO involves creating "digital organisms," small snippets of computer code equipped with instructions to help them survive and replicate in the silicon environment. When turned loose in cyberspace, these computer creatures act very much like living organisms. They can be programmed to compete for scarce resources, trade genes through sexual interactions, fight or trade with other organisms, and—in a fast-forward of evolution—reproduce themselves over thousands of generations.

The particular program that Jones and Forrest were tuning was designed to mimic biological evolution. After a while, they began noticing an odd pattern. "No matter what organisms we started with, a few species would become predominant while the vast majority remained scarce," says Jones. "The species might change places occasionally, but the pattern always remained the same. Even programs that had bugs in them produced the same configuration."

Their curiosity piqued, Jones and Forrest showed their results to Jim Brown, an ecologist at the University of New Mexico. His eyes opened wide. "That's Preston's curve," said the startled Brown. "It's a well-known ratio in ecology which says that most species remain small while only a few species widely proliferate."

The replication of Preston's curve in the computer is typical of discoveries being made today in the field of complexity. At times, the insights seem sublime, as if the divine architecture of the universe were being revealed. Then again at others, the research is disappointing: "The major discovery to emerge from the [Santa Fe] Institute thus far is that 'it's very hard to do science on complex systems,'" writes John Horgan of *Scientific American*, quoting University of Chicago mathematical biologist Jack D. Cowan. Neither the promise nor the disappointment is surprising, however. Complexity is a young field, examining difficult problems with new tools. Its results are often remarkable, deepening our understanding of how the world works (or might work). But they are also quite preliminary and subject to conflicting interpretations, especially when applied to social systems.

Complexity theory explores how systems that are open to sources of energy are able to raise themselves to higher levels of self-organization. Oil droplets in water will arrange themselves into a sphere that is hollow inside. Snowflakes form crystals that always have a hexagonal design. Previously these patterns had been thought of as coincidences or curiosities. But beginning with Ilya Prigogine, the 1977 Nobel laureate in chemistry, theorists have been arguing that complex systems are capable of making unexpectedly large leaps in self-organization that allow them to maintain a precarious non-equilibrium.

This ordered non-equilibrium forms a temporary stay against

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the dreaded Second Law of Thermodynamics, which says that any order in a closed system will eventually dissipate—a phenomenon called "increasing entropy." Water and ink mixed together, for example, eventually turn a uniform light blue. Pockets of hot and cold air in a room will become uniformly lukewarm. At bottom, the logic is that there are only a few orderly states and many, many more messy or disordered ones. The chances of achieving an orderly state by accident are vanishingly small.

Popular alarmists from Henry Adams to Jeremy Rifkin have preached pessimism by misusing the Second Law to argue that life on Earth is quickly winding down. (Unaware of nuclear energy, Adams predicted that the sun's core would burn out in a few thousand years.) But Earth is not a closed thermodynamic system—and the universe may not be either. Life on Earth lives off the constant energy provided by the sun. This allows the biosphere to pile up order in the form of complex organic molecules, stored genetic information, and stable ecosystems. As for the universe itself, it is still living off the energy of the Big Bang. Just where that energy came from and whether it will eventually dissipate to thermodynamic equilibrium is still being debated by the cosmologists. But concerns about the universe winding down into a uniform state of low-grade energy are premature at best.

Says Harold Morowitz, editor-in-chief of *Complexity*, a bimonthly journal that published its first issue in September: "Entropy is only defined for closed, equilibrium systems. The Earth is not a closed system and for all we know, the universe may not be, either. But as far as non-equilibrium systems are concerned, any system that is in something other than its most random state, as a result of boundary conditions or energy flowing through the system, is experiencing some kind of spontaneous order."

Enthusiasts point to examples of spontaneous order almost everywhere—the gathering of winds into a hurricane, the self-replication abilities of DNA, the interlocking relationships of an ecosystem, the immune system, the human mind, the development of language and common law, the evolution of human cultures. All are representative of the slow, cumulative development of "autocatalytic" patterns and positive feedback loops that eventually emerge as "complex, adaptive systems"—organisms capable of sustaining their identity while constantly changing to meet new environments.

Popular alarmists from Henry Adams to Jeremy Rifkin have preached pessimism by misusing the Second Law to argue that life on Earth is quickly winding down. But Earth is not a closed thermodynamic system--and the universe may not be either. Life on Earth lives off energy provided by the sun. The universe is still living off the energy of the Big Bang.

As Stuart Kauffman, a MacArthur fellow and Santa Fe Institute star, puts it: "I read about entropy and I expect a world filled with disorder. Yet I look outside my window and see nothing but order. It is the order that needs explaining."

In his first brilliant discovery 20 years ago, for example, Kauffman created a system of 100 computer-dwelling "genes," all turning each other on and off, just as real genes are believed to do in any living organism. Although the situation appeared completely chaotic, Kauffman discovered that when each gene was controlled by only two other genes, the on-off patterns would settle down into about 10 repeating cycles, or "basins of attraction." He posited that these basins corresponded to the different cell types that are produced by the same set of genes in every multicellular organism. In one of those sublime revelations that dot the history of complexity research, Kauffman later discovered that he had duplicated a long-known principle of genetics: that the number of cell types in an organism is roughly equal to the square root of the number of its genes.

"The simplicity of this result astonished me at the time," he says. "It still astonishes me."

While everyone in complexity research agrees that spontaneous order exists throughout the cosmos, no one seems to be able to agree on exactly what that implies. "The consensus right now is that there is no one thing called complexity theory," says Michael Simmons, director of research at Santa Fe. "Talk to any person who is working in the field and they'll give you a different definition."

One area of agreement is the concept of "algorithmic information content," or AIC. This refers to the length of the instructions needed to generate the solution to a problem. AIC can be very small or very large. The instruction: "Print 1 followed by a trillion zeros" produces a very large outcome with only one simple instruction. The instruction: "Print 17898369806895434 8230..." up to a trillion randomly selected numbers would require an AIC larger than the answer itself.

It is only in the middle range that things start to get interesting. Suppose we tell the computer: "Print a million numbers at random. Now scan the string and find how many times the numbers '1234567890' appear in succession. Remove these numbers and scramble the remaining numbers again. Repeat step 2. Repeat step 3. Continue until the string does not occur. Count the digits in the remaining number. Print the answer." The computer will have to do a lot more "thinking" to complete the instructions.

Charles Bennett of IBM has defined this amount of thinking a computing machine has to do to generate a printout as "depth." Neither a perfectly ordered system ("Print 1 followed by a trillion zeros") or a perfectly disordered one ("Print 1823749567819074823719...") has much depth to it. Instead, depth—which is essentially a measure of complexity—occurs in the middle range. This middle area has been defined as a "phase transition" between order and chaos.

Systems become "deeper" and more complex as elements of time and memory are added. A perfectly elastic ball bouncing on a table has no memory and can be described almost perfectly by the linear equations of physics. A hurricane gathering force, on

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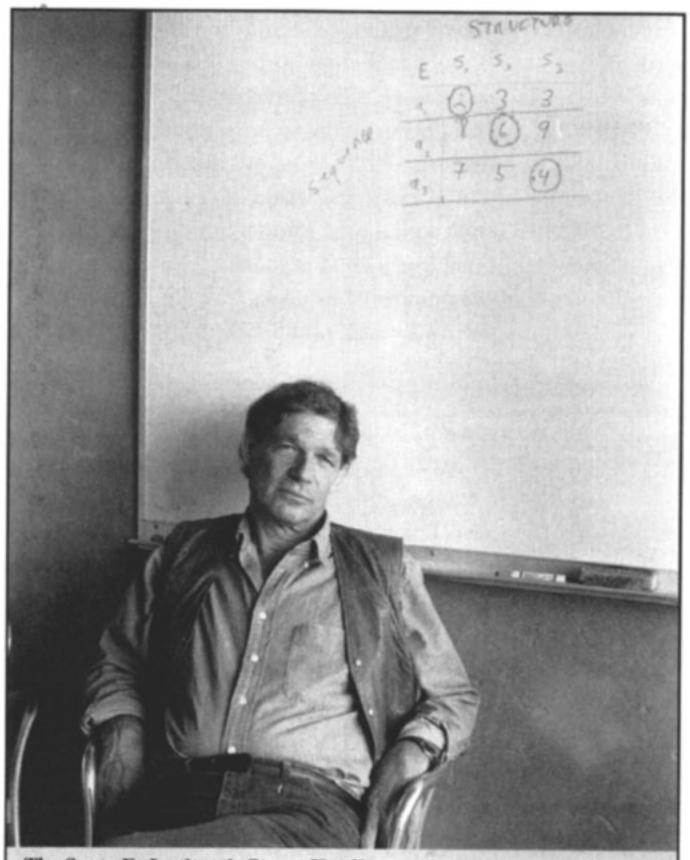

The Santa Fe Institute's Stuart Kauffman, a leading complexity theorist, posits that the spontaneous order being discovered in natural systems makes the genesis of life seem to be the expected outcome of nature's inherent tendencies toward self-organization. "The order of the biological world arises spontaneously because of laws of complexity that we are just beginning to understand."

the other hand, is nonlinear and virtually impossible to describe in mathematical terms. Rather than complex, it is "chaotic."

Although chaotic systems are inherently unpredictable, they can be described by certain laws, the most important being the "butterfly effect," which says that small changes in initial conditions can produce enormous changes in outcome. (The term comes from the piquant observation that, since weather patterns are chaotic, a butterfly flapping its wings in Mexico today can change the weather in Chicago next month.)

Chemical reactions are complex without necessarily being chaotic. Take a container filled with hydrogen and oxygen atoms in a 2-to-1 ratio and certain predictions can be made. Still, it will make an enormous difference whether the atoms are already bonded to form water molecules or whether they are ionized and volatile. The system has memory and therefore requires more information to describe it.

Biology is more complex again. Biological systems all obey the laws of physics and chemistry, yet still have qualities that cannot be derived from physics and chemistry. To understand Preston's curve, for example, you have to know something about the actions of biological organisms within evolutionary time.

In his book *The Quark and the Jaguar*, physicist Murray Gell-Mann, who won the Nobel Prize for his quark theory, posits that complexity explains why all the action of the universe cannot simply be reduced to a few fundamental rules. Or, to put it differently, complexity theory says that, given a complete knowledge of the state of the universe at its inception and given a complete knowledge of the laws of physics and chemistry, it would still be impossible to predict the path of life on Earth.

"I know of no serious scientist who believes that there are special chemical forces that do not arise from underlying physical forces," writes Gell-Mann. "In that sense, we are all reductionists. But the very fact that chemistry is more special than elementary particle physics, applying only under the particular conditions that allow chemical phenomena to occur, means that information about those special conditions must be fed into the equations."

The differential applies even more strongly to biology. "To begin with, many features common to all life on Earth may be the result of accidents that occurred early in the history of life on the planet but could have turned out differently," writes Gell-Mann. In that case, terrestrial life has taken on a good deal of effective complexity, since a great deal of new information would have to be plugged into the equations to describe its outcome.

Even if terrestrial biology is not unique, it still contains a good deal of depth. "The science of biology is very much more complex than fundamental physics because so many of the regularities of terrestrial biology arise from chance events as well as fundamental laws," writes Gell-Mann. Economics, psychology, and human cultures have even greater depth and complexity than biology, simply because they are based on human beings' biological nature but also go beyond it.

Gell-Mann says he formulated this hierarchy partly in response to the reductionism he found among his colleagues at Caltech. Many specialists argued that the human mind had no unique qualities that could not be described by the workings of electrical impulses and organic chemistry. "Some refused to talk about the mind at all," he recalls. "One friend of mine called it 'the M-word.' "

Now the anti-reductionists are on the counterattack. Says Kauffman: "The past three centuries of science have been predominantly reductionist, attempting to break complex systems into simple parts, and those parts, in turn, into simpler parts. This program has been spectacularly successful, but it has also left a vacuum. How do we use the information gleaned about the parts to build a theory of the whole? The complex whole, in a completely non-mystical way, can often exhibit collective properties—'emergent' features—that are lawful and unique in their own right. These properties constitute the 'self-organization' or 'spontaneous order' of the system."

Kauffman posits that the spontaneous order being discovered in natural systems makes the genesis of life seem natural, even expected. Rather than the blind, one-shot miracle implied by Darwin's theory of natural selection, life on Earth may be the orderly and expected outcome of nature's inherent tendencies toward self-organization. "Natural selection is important, but it has not labored alone to create the fine architectures of the biosphere," says Kauffman. "I believe the order of the biological world's not merely tinkered, but arises naturally and spontaneously because of laws of complexity that we are just beginning to understand."

DARYL A. BLACK

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In the recently published *At Home in the Universe*, a popular account of his ideas, Kauffman is even more enthusiastic: "Profound order is being discovered in large, complex, and apparently random systems. I believe that this emergent order underlies not only the origin of life itself, but much of the order seen in organisms today....If all this is true, what a revision of the Darwinian worldview will lie before us! Not we the accidental, but we the expected!"

Nor does Kauffman shrink from the obvious implications of this discovery:

"Most important of all, if this is true, life is vastly more probable than we have supposed. Not only are we at home in the universe, but we are far more likely to share it with as yet unknown companions."

Carl Sagan, take heart.

Complexity research has quickly spread from the natural to the social sciences. "We are more convinced than ever that our greatest impact is going to be in the social sciences," says Santa Fe research director Simmons. "In the evolution of human culture and the adaptive learning that goes on within large organizations we expect to see significant discoveries very soon."

The most striking result so far: As computers have encountered complex systems, it has become clear that it is difficult, if not impossible, to plan their outcomes centrally. John Holland, the pioneering University of Michigan mathematician, built the first computerized "complex adaptive system" by mimicking the free market. Looking for a way to model the human brain, Holland found that efforts to create a "command-and-control" model had already failed at MIT. So he solved the problem by making each digital "synapse" into an economic unit. Individual synapses were paid off for solving problems, with a "bucket brigade" to distribute the rewards to participating units.

"Economic reinforcement via the profit motive was an enormously powerful organizing force, in much the same way that Adam Smith's Invisible Hand was enormously powerful in the real economy," writes Mitchell Waldrop in *Complexity*, a 1992 book on the work at Santa Fe. "When you thought about it, in fact, the Darwinian metaphor and the Adam Smith metaphor fit together quite nicely."

Computer experts at the Palo Alto Research Center discovered the same principle in 1988 when Xerox tried setting up a system to maximize use of its computers. Engineers had tried a "command-and-control" system, but found it unworkable. The information needed to coordinate decisions quickly overwhelmed the central processor. So Xerox researchers invented SPAWN, a system in which individual computers are given "money" and instructed to maximize their bank accounts by taking on tasks and trading computer downtime among themselves. Without any external direction or control, the computers quickly optimize their own use by trading on this internally created market.

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"All complex biological and economic systems work this way," says Tad Hogue, a member of the research staff at Xerox PARC. "If every human cell's protein production had to be processed through the brain, the costs of coordination would quickly overwhelm the nerve cells' capacities. Consequently, most decisions are made within the cell, or by the internal communications of the endocrinal system, which bypasses most brain functions. Although we tend to think of ourselves being in complete command of our bodies, most of life's choices are made within the individual cells."

Stuart Kauffman advances the "patches" principle for solving problems in large organizations. Trying to find the best way for a large entity to solve a complex mathematical problem, Kauffman shows that if the entity is broken up into a grid of small "patches" and each patch is allowed to solve its own small portion of the problem, an optimal solution emerges. Kauffman even invokes Adam Smith by way of explanation: "Here we have another invisible hand in operation. When the system is broken into well-chosen patches, each adapts for its own selfish benefit, yet the joint effect is to achieve very good [solutions] for the whole lattice of patches. No central administrator coordinates behavior. Properly chosen patches, each acting selfishly, achieve the coordination." He suggests the finding has enormous implications for federalism and for decentralizing large corporate units.

On the surface, the computer-assisted discovery of spontaneous order would appear to be a triumphant vindication of libertarian social theory in general and the Austrian School of economics in particular. The term "spontaneous order," after all, was coined by Friedrich A. Hayek in his 1960 classic, *The Constitution of Liberty*. For most of this century, free market economists have labored to convince people that "economic planning" isn't necessary. Left to itself, they argued, the market economy will spontaneously optimize the wishes and desires of its participants—even though all are only pursuing their own self-interest.

"I am convinced that if [the market system] were the result of human design, it would be acclaimed as one of the greatest triumphs of the human mind," wrote Hayek in his landmark essay, "The Uses of Knowledge in Society" (1945). "Its misfortune is the double one that it is not the product of human design and that the people guided by it usually do not know why they are made to do what they do."

Yet for all their efforts in defending the spontaneous order of the market, neither the Austrians nor their followers ever articulated in convincing mathematical terms just how spontaneous order arises. Astonishingly, the complexity theorists, with their

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digital organisms and time-compressing computer models, now seem to have provided the answer.

Brian Arthur, head of economics research at Santa Fe, readily acknowledges this precedence. "Right after we published our first findings, we started getting letters from all over the country saying, 'You know, all you guys have done is rediscover Austrian economics,'" says Arthur, sitting in his book-lined offices at the Santa Fe Institute's sun-drenched hilltop mansion. "I admit I wasn't familiar with Hayek and von Mises at the time. But now that I've read them, I can see that this is essentially true."

Yet all this has not prevented Arthur and the other economists at Santa Fe from turning complexity into a rationale for government intervention. Arthur's basic concepts are "increasing returns" and "path dependence." In a series of papers (particularly "Increasing Returns and Path Dependence in the Economy," published in 1993), he has argued that—rather than the old Ricardo/Malthusian pessimism about "diminishing returns"—technological innovation in the economy can produce cascading improvements that improve productivity beyond anyone's wildest dreams. Improvement leads to improvement, which interlock in an ever more interdependent network of improvements—such as railroads leading to better transportation of food leading to improvements in agricultural productivity.

The computer-assisted discovery of spontaneous order would appear to be a vindication of libertarian social theory and the Austrian School of economics. Neither the Austrians nor their followers ever articulated in convincing mathematical terms how spontaneous order arises. The complexity theorists now seem to have provided the answer.

But Arthur also argues that, once undertaken, paths of innovation may lead to "technological lock-in": Economies and societies may get frozen on technological paths that later become unproductive. He likes to cite the QWERTY system on the typewriter keyboard and the triumph of VHS over Betamax as instances where a possibly inferior technology has become enshrined by the market.

"Economies are complex systems and once they adapt it becomes difficult to change direction," says Arthur. "Nobody makes Betamax movies because people don't have the home equipment to show them and people don't buy the home equipment because nobody makes Betamax movies." To overcome this inertia, he argues, government intervention may be necessary. (The specific examples of QWERTY and Betamax have been examined in detail, and convincingly debunked, by economists Stan Liebowitz of the University of Texas at Dallas and Stephen Margolis of North Carolina State University.)

Arthur's work furnishes the basic principles for a "white paper" submitted to federal Judge Stanley Sporkin in November 1994, arguing that allowing Microsoft to buy Intuit, which makes personal-finance software, would lead to dire consequences, "so as to constitute a threat to the underpinnings of a free society." In that context, "increasing returns"—rather than a reason for technological optimism—becomes a two-by-four with which to hit any company that itself may experience increasing returns from a new technology, and thus develop a monopoly.

So if complexity research breeds so much respect for self-organization—putting digital flesh on the skeleton of Adam Smith's invisible hand—why do its economists so often end up defending the visible hand of the government? Part of the answer seems to be in the "path dependence" of the Santa Fe program itself. The researchers bring their own political philosophies and assumptions to their work, driving not so much the research itself but its interpretation. The founder of the economics program was Kenneth Arrow, a Nobel Prize winner and dedicated Keynesian. Gell-Mann is a devoted environmentalist and co-founder of the World Resources Institute; as co-chairman of Santa Fe's science board, he has tried to relate the institute's work to rainforest preservation and other environmentalist concerns. "Shoot Newt" reads graffiti on an institute blackboard.

At the heart of complexity theory, however, lies the notion of freely evolving systems, including social and economic systems. Kauffman's work is pregnant with support for individual liberty and free institutions. John Holland's decision to model the human brain on the free market may be seen as a paradigm for the era. The problem seems to be that complexity theory, as applied to economics, has been developed by researchers who already had a strong predilection for activist government. And the theory isn't well developed enough to say much, if anything, about public policy. Complexity research is still far more descriptive than prescriptive. Its main contribution to our understanding of markets is the evidence that order can arise without central direction. Complexity research addresses one of the hardest obstacles faced by advocates of free markets: what Thomas Sowell has called "the intentional fallacy," the notion that someone must be in charge.

Says Michael Rothschild, the former management consultant who wrote *Bionomics* to popularize his own ideas about "economy as ecology": "The great anxiety people have about the free market is that nobody appears to be running it. There's a psychological certainty in the idea that somebody—the president, the chairman of the Federal Reserve Board—is 'at the helm.' Perhaps the hardest thing for people to grasp is that the economy has the properties of a living organism—it runs by itself."

Complexity theory's elegant demonstrations should help make these often counterintuitive concepts more acceptable to the general public. Yet none of this constitutes a moral proof for choosing individual liberty. In the end, people have to make that choice themselves.

William Tucker is co-writer, with Newt Gingrich, of To Renew America *(HarperCollins). This is the final article in a multi-author series on science and society.*

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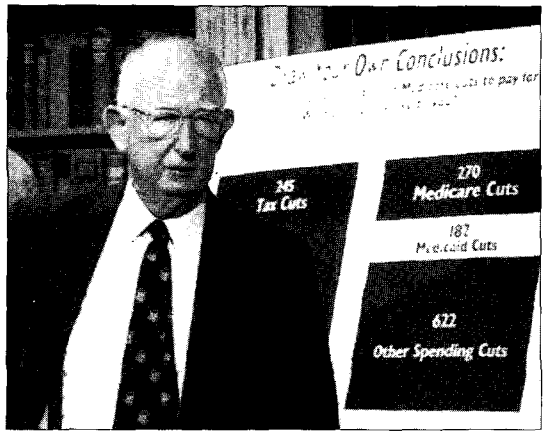
Hearing Impairment

By Carolyn Lochhead

Democrats used congressional hearings to put on a show when they were in charge. Now it's the Republicans' turn.

A PORTRAIT OF NEAR APOplexy, the veins in his red nose seeming about to pop, 75-year-old Florida Democrat Sam Gibbons glared from the dais of the House Ways and Means Committee. He called Republicans liars and denounced their Medicare plan as a pox and a fraud.



Rep. Sam Gibbons (D-Fla.) pitched a public fit when Republicans held one day of hearings.

Medicare was born 30 years ago in the cavernous Ways and Means hearing room of the Longworth Building where Democrats ruled for 40 years—and where Gibbons was now relegated to obstructionism and outrage as Republicans held a one-day hearing on their makeover of the Great Society's biggest social program. One day of hearings, said Gibbons, a 33-year member of the House, was hardly enough "on a matter involving the life and perhaps death of so many of our seniors and disabled people."

Placing a two-foot-high stack of testimony on the table, Republican Chairman Bill Archer retorted that the committee had already held hearings on Medicare prior to introducing the GOP reform bill. Gibbons summarily picked up the stack of paper, dumped it into the arms of a staffer, and pronounced, "This pile of material you see here is absolutely useless."

Such was the opening scene for a day of high political theater on Capitol Hill, one centered on the notion that congressional hearings are of crucial importance to American democracy, the forum where the weighty "testimony" of learned, objective experts from the outside world informs legislation. Some congressional hearings may glide within the remote periphery of that noble purpose. But most hearings are more like stage sets for carefully choreographed propaganda shows that seek to feed an ideology, build momentum for legislation, skewer political opponents, aid political allies, spin the press, catch C-SPAN, and create headlines.

Democrats invented and perfected the formula during their four decades in power. Now, like Dr. Frankenstein, they express horror that their brainchild has turned against them. Some, like Gibbons, seem genuinely shocked that Republicans are overtly using hearings to promote their own ideology and undermine the huge entitlements and programs that make up the status superstructure Democrats have built. "What a desecration to this room," Gibbons intoned at the Medicare hearing. Others, like Minority Leader Richard Gephardt, seem eager to create a competing sideshow that shamelessly plays to the lowest common denominator of public emotion and revanchist politics.

Like all hearings, the GOP Medicare panel was stacked with favorable witnesses, with the "star" appearances scheduled first to catch the press pack that usually evaporates after the opening round. They included Guy King, Medicare's former chief actuary, who has long warned of the program's structural bankruptcy, and Peter Ferrarra of the National Center for Policy Analysis, the lead brain and provocateur behind the GOP plan.

BUT DEMOCRATS KNOW THE FORmula, and they were not so easily flummoxed. The National Council of Senior Citizens, a union-backed lobbying group largely funded by the federal government, had planted a group of yellow-shirted seniors in the back of the hearing room. After first sending a note to ask how they might get arrested, the seniors marched to the front of the room, carrying signs saying "Some Cuts Don't Heal" and "No Health Cuts for Tax Cuts for the Rich." It was a strange coincidence that the signs carried by these concerned grassroots citizens parroted the chief Democratic attack theme, but no matter. Cameras flashed and indignation rose as these beleaguered commoners stood with tape over their mouths, declaring that they had been silenced and that House Speaker Newt Gingrich ought to be arrested. Rep. John Lewis, a Georgia Democrat and former civil rights leader, rose from his committee seat and solemnly walked down the line to shake their hands as a comrade in courage against this ghastly assault on their status quo.

Archer warned the group that House rules do not brook such disturbances, and the seniors were led from the room by Capitol police. "No party has a monopoly on compassion for the elderly," Archer said. In fact, he said, "We are on the verge of compassioning Medicare to death. Explosive entitlement spending has threatened the very solvency of these programs that we deeply cherish, not to mention the solvency of the nation itself."

Every Democrat and every Republican, from President Clinton and Newt Gingrich on down, knows that Archer is

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right. Medicare and Medicaid are bankrupting the Treasury and will themselves collapse when the baby-boom generation begins retiring in just 15 years. The sacrosanct Social Security program will implode at the same time, making the problems with the health care entitlement look like chicken feed.

But on Capitol Hill, politics must prevail. While Republicans were conducting their hearing, Gephardt announced that his Democratic troops would hold their own rump Medicare hearings under a tree outside the Capitol to expose the GOP fraud to the American people. So out they went into the drizzle on the muddied East Lawn, complete with yellow umbrellas emblazoned with the word "Shame," microphones, a witness table and witnesses, a press table, a backdrop of huge black-and-white blow-ups of grizzled old folks, and a makeshift dais.

Although the Democrats insisted they were denied a room (Republican staffers hotly dispute the charge), they issued a fax announcing that their "alternative Medicare hearings" would take place in the Rayburn Building in case of heavy rain. But a light drizzle, it seemed, would suit their purposes nicely, keeping them out on the lawn in camera-ready demonstration of the GOP conspiracy to deny the public the facts.

The facts aired out on the lawn, however, turned out to be testimony from the yellow-shirted denizens of the National Council of Senior Citizens, who had traipsed across the street from the Longworth Building. Secretary of Labor Robert Reich led the "witnesses," accusing Republicans of turning the working class into the "anxious class." The Democrats also heard testimony from Harry Krantz of the National Capital Area Trade Union Retirees Club.

Bob Hug, listed as a Medicare beneficiary from Milford, Connecticut, provided tales of woe from America's elderly. Seniors, Hug said, "have high prescription drug costs that are not covered by the Medicare," and their automatic Social Security cost-of-living adjustment has been offset by higher Medicare premiums. "It is not fair to balance the budget on the backs of our senior citizens," he told the dwindling group of Democrats. (As they often do at hearings, members had to leave early for more pressing appointments.) "I am sure there are other ways to balance the budget," Hug said confidently. "Is this the way we should be treating our senior citizens, who paid their taxes all their lives, and who fought wars for this country? So you and I can live in freedom? I don't think so."

Most hearings are more like stage sets for carefully choreographed propaganda shows that seek to feed an ideology, build momentum for legislation, skewer political opponents, aid political allies, spin the press, catch C-SPAN, and create headlines.

REPUBLICANS SAY THEY ESCHEW SUCH tactics. "What Democrats did was slide into a show-trial, agitprop approach to hearings," says Eric Ueland, spokesman for the Senate Republican Policy Committee. "We're trying to get away from that. We don't browbeat witnesses, we don't intimidate witnesses, we don't write witnesses' statements for them, we don't stage witness-member interactions. We don't do any of that stuff."

It is true that so far Republicans have avoided some of the tawdrier hearing spectacles, in part because their anti-government ideology does not lend itself to hauling forth capitalism's victims to testify on their dire need for this or that government program. And they have not yet sunk to the depths of calling up movie stars and rock singers to educate them on federal policy.

Democrats are famous for bringing forth such experts as Sally Fields (to ex-

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plain the necessity for farm programs) and Bonnie Raitt (to explore the spirituality of California redwoods). *Ben Hur* star Charlton Heston, a Republican, did testify last spring, but it was to beg for continued funding of the National Endowment for the Arts. And at a recent meeting of the House Commerce Committee, the Seniors Coalition, a Republican-inspired group, adopted the techniques of their Democratic counterpart, marching to the front of the room and dumping bags of direct-mail-generated telegrams in support of the GOP plan.

Although they have generally gotten the hang of things, the novice Republicans had a few rough starts. At a hearing on securities litigation reform last spring, Democrats exposed the GOP's star witness as a litigant, while Republicans were outwitted by the witness they intended to skewer. The toughest question that Bill Lerach, king of class-action securities litigation, had to answer was how much money he made. And he cleverly brought with him two of his own clients, supposed victims of securities manipulation, from whom he managed to wring heart-wrenching testimony for his own cause. "It was painful to watch," said a tort-reform lobbyist. "It was obvious these guys didn't know what they were doing."

HEARINGS DO SERVE SOME USEFUL PURposes. They are the primary means by which Congress pursues its constitutional duty to oversee the executive branch. The most interesting ones explore important public issues or unanswered questions, whether over Ruby Ridge and Waco or Watergate. Sometimes, as with the hearing on the nomination of Supreme Court Justice Clarence Thomas, they spin out of control, and in so doing illuminate the great ideological fissures of the time and the dirty inner workings of political warfare.

When he was baron of the House Commerce Committee, Michigan Democrat John Dingell made the investigative hearing an art form, calling in alleged miscreants from industry or Republican administrations and excoriating them with carefully researched accusations developed by a staff of more than 100. "If he heard or saw something that someone was doing that he didn't like," says Frederick Graefe, a lobbyist with Baker and Hostetler, a Washington law firm, "he'd subpoena them and make them testify, make them squirm under the lights, put them under oath and make them hire a lawyer."

Hearings can be quite significant in manipulating the news and focusing public debate. The new Republican majority has brought a radical switch in the subject of congressional hearings, elevating topics that never before had been discussed in such a prominent forum. "This was a big change for me," says a Democratic staffer on a Senate committee. "If there was some issue we wanted to shine a spotlight on, we'd just call a hearing when we were in the majority, and we can't do that anymore. Now Republicans can use hearings to shine a spotlight on something, like their revolutionary tax schemes, and next year, believe me, there will be tons of hearings on revolutionary tax schemes."

"This was a big change for me," says a Democratic Senate staffer. "If there was some issue we wanted to shine a spotlight on, we'd just call a hearing when we were in the majority, and we can't do that anymore."

While most members relieve their boredom at hearings by reading their mail, going through papers, signing letters, or reading documents, sometimes they actually do try to avail themselves of the opportunity to question experts. But "with very few exceptions, most members of Congress have had their minds made up on a particular issue, whether Medicare or anything else, before the hearings are ever held," Graefe says. "The hearing satisfies their obligation to have a public airing of what they proposed. And the Republicans in the House this year aren't approaching hearings, in my judgment, any differently than House Democrats have done. There were hearings held, a bill was drafted, it had a markup, and it passed. I mean, that's been the process up here for many, many, many years."

Lobbyists fill hearing rooms, mainly because they often are the ones actually running the hearing. A former congressional staffer and trade-association lobbyist says most lobbyists show up because "to be honest, they feel they have to do it for their trade association, to show you're making some sort of effort to get your word in there." Lobbyists help find witnesses, write their testimony, and make up questions for members to ask. A common tactic, the lobbyist says, is to find a witness who personally touches a member.

When lobbying for health-research funding, she says, "sometimes you can perk up their attention if it's a discussion of a disease one of the committee members has or if his mother died of it. In that case, it can be influential." Lobbyists are "not at all shy to seize any kind of opportunity to jump on someone," she says. "I'm sure it took all of 15 seconds for the spinal-cord injury association to call Christopher Reeve to get him on their board, and I'm sure he'll be coming in his wheelchair to testify. You can evoke a lot of sympathy if you have someone come in a wheelchair or someone who evokes tears...from members."

So are laws written and policy shaped in a great democracy. But the Democratic staffer thinks hearings can educate members and the public. "You do learn stuff here," he says. "You learn from experts, and when they're testifying before Congress, people get up for it. You can attract some of the best people in various fields to give their expertise. And even if I'm not learning something, my guess is the press table is."

Contributing Editor Carolyn Lochhead is Washington correspondent for the San Francisco Chronicle.

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alt.fans

By Gregory Benford

The Internet is recapitulating science fiction fandom.

THE NET IS UPON US. CAST OUTWARD by the culture of computer nerds to ensnare and transform the globe, it is the current hot metaphor for fast change, broader horizons, and info-deluge.

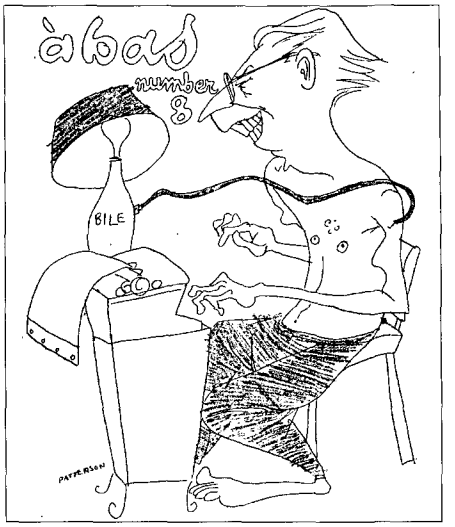
Alas, it comes with its own hot-eyed prophets, sure they are on the cutting edge. John Perry Barlow, much-interviewed savant of the Electronic Frontier Foundation, believes that "we are in the middle of the most transforming technological event since the capture of fire."

Revolutionary rhetoric, aside from making you automatically hide your wallet, should alert us to our past. Has something like the Net appeared before?

Arguably, yes. Around 1930, a small new phenomenon arose in Depression-ridden America, spawned out of the letter columns in science fiction magazines: fandom. Though today the term means any gathering of enthusiasts, fandom evolved in the science fiction community. Strikingly, it anticipated much of Net culture. Its history can suggest how the Net will evolve.

Fandom grew first through individual correspondence. It was cheap and quick, continent-wide contact for a penny stamp. The Net, too, began as a quick exchange medium, under funding for the ARPANet from the Advanced Research Projects Administration of the Department of Defense. ARPANet was designed to be dispersed, hard to break even in a nuclear war. It linked several national laboratories, where I first used it in 1969, then swelled to include universities, and kept growing.

Just as with e-mail, sometimes fans sent continuous chains of letters, involving *n* letter writers, called WONWs for



À Bas, a popular fanzine of the 1950s: Fanzines may point the way to improving the notoriously low "signal-to-noise" ratio of the Internet.

Wide Open N-Ways. Then came fanzines. Often odd and eccentric, sometimes devoted solely to news or club functions, these circulated nationally and flourished into the several hundreds of titles. Most of the Net's "emoticons"—read sideways to convey smiles :) disapproval :(or a sardonic wink ;)—had appeared in fanzines by the 1950s.

As the number of 'zines grew, an anarchic sociology flourished. Vile-mouthed, aggressive fans, much like the "flamers" of today, were termed fuggheads, an obvious pun. As cross-talk grew in the early 1940s, fans formed APAs—Amateur Press Associations of limited (and later, invitational) membership—to escape the chaos.

These were much like today's user groups, newsgroups, and listservs, which act as orderly mailing circles. By analogy, we can expect the Net to split into APA-like groups. The current user and interest groups have trouble maintaining their boundaries; once a flamer finds you, he can drop in anytime. Even security codes provide no firm privacy against determined hackers. Unlike the post office, the Net is a highly public babble. Egalitarian forums can have notoriously low signal-to-noise ratios. In the electronic agora, a mob often drowns out Socrates.

LIKE THE NET'S MULTI-USER DUNGEONS (where MUDdies find virtual playmates in fantasy worlds), fandom long ago spawned fantasy sub-fandoms devoted to specific authors, settings (mostly medieval), and worldviews. As "newbies" appear, after first lurking on chat sessions, their activity will echo the influx into fandom of "neos" who timidly tried out "fanac."

As the famous *New Yorker* cartoon remarked, on the Internet, nobody knows you're a dog. Nobody in fandom knew if you were a pimply adolescent, either, if you didn't want them to. This let a first-rank fanzine editor conceal her sex for years, simply by using her ambiguous name, Lee Hoffman. Others concocted entire fan-writing careers for nonexistent people. You could be anybody, or nobody.

Virtuality—connection without proximity—is a major attraction in both fandom and the Net. Nobody knows you're a dog through the U.S. mail, either. Fans could be utterly different in their fanzine persona, which may be why both fandom and the Net were invented by individualistic Americans.

On the Net, this has led to a torrent of rudeness. Already there is a gathering fear among the usual social censors that the digital universe will become a cesspool for some ugly fish indeed—child pornographers, con artists, and predators of every stripe. As Phil Patton remarked in *Esquire*, the Net was built by professors and is run by sophomores.

In the 1940s, general fandom devised the "genzine," or general fanzine, which combined features and columns of broad interest. Genzines narrowed the strategy

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of the mainstream's broadly based magazines, using an insider's voice and attitude.

The Net has not yet evolved this vital organ. Yet many frustrated users complain of wasted time finding what they want, then understanding its often contorted syntax, wiseacre impenetrability, stilted jargon, and outright poor writing.

As fandom grew more variegated, genzines reflected a broadening of interests, carrying personal columns of humor and reflection, science articles, amateur fiction, stylish gossip, and inevitably, thoughtful pieces on the future of fandom.

By the fandom analogy, then, the Net should soon develop its own form of the genzine. Users will flock to this new entity, avoiding flamers, asininity, and noise. After all, the Net is an open invitation to have a 100 million pen pals. Even with gopher programs, you spend much time filtering the nonsensical and boring.

Few people truly want raw data. They seek information, taste, even wisdom. Filtering the Net stream is essential, and finder software continues to improve beyond the simple key-word seekers of today. But these still take our scarcest resource: time. Often, gobs of it.

THE NET'S SIREN CALL, PEOPLE SHARING your very own obsession, is addictive for many of us. About 7 percent of the United States uses the Net now. The World Wide Web has 10 million home pages, where one can display for the virtual passers-by. In less than six months, the number of web pages doubles; the surge is faster than exponential.

If the Net's growth profile parallels that of TVs, VCRs, and other electronic conduits, it will saturate with over three-quarters of the country online, some 200-plus million users. But the Net isn't merely national. By saturation time in a decade or two, there could be a billion users.

Language problems will be only a minor barrier by then. Programs for crude translation already flourish on the Net. This cornucopia of contact will need a new generation of filters, and something better than filters.

We want more, sure—and we'll get it—but we also come to want better. But even the best filter is inherently passive. None can fulfill the higher functions of helping to generate the quality material most readers want.

Think of trying to find a discourse on, say, the cultural impact of the Beatles. There may be hundreds of relevant World Wide Web sites, but you want a treatment for your 12-year-old. And you wouldn't mind reading some adult nostalgic reflection on the Fab Four yourself.

First you pick key words: *Beatles*, *culture*, *impact*, etc. Then you set separate vocabulary levels for both of you, which winnows down the fare to perhaps a few dozen sites. Now add a syntax evaluator, to eliminate erudite postmodern rigmarole your daughter (and probably you, too) couldn't stomach. She won't want to see analysis that compares the Beatles with the Kinks, say, but you might, so you tailor your list for that.

By this time you're facing two customized sets of choices, probably only a handful of potential sources. Only then need real browsing begin. But who made these documents coherent, deft, interesting?

The author—plus an editor. Someone must go out into the datascape and find the writers who can be urged to do the right job at the right time, and then worry at the extra drafts, polishing them properly. As Virginia Postrel has emphasized, the Net Age will become the Editors' Era. It must—by analogy with our present.

In talk radio and late-night television, star figures filter the info-stream for their simpatico audience. Their following finds them and sticks around, a fandom defined by interest, not geography or income.

Rush Limbaugh is essentially a highly personal editor. On the Net, most people don't want or need an idiosyncratic figure marshaling material for them. But they will come to enjoy a certain style and flavor, just as you tasted many magazines before settling on this one. Rather than favoring a journal of policy wonk–speak, you settled on a rather broader view, savoring the world with an attitude.

A NET GENZINE WOULD PROBABLY BEGIN as a "Best Of" feature, with pieces gleaned worldwide and labeled by interest-area. The better ones will go pro, requiring a fee to log onto the edited database. Authors will get paid. To raise quality, editors will start to demand revisions of raw Net material, using the carrot of payment. Genzines will become labyrinthian magazines.

Science fiction fandom evolved through this stage in the 1940s, then beyond, ever-restless. General consensus holds that the quality of s.f. fandom peaked in the 1950s and '60s. That's when I entered, a rank neo, into a community of fanzines honed by criticism and decades-old tradition. The humorous, personal essay reigned supreme. Some fans flowered into professionals.

By then, fandom had grown large and began to split into sub-fandoms, often groups which had little real need for the written word: fans of medieval reenactments, space advocates, costumers. Well before the 1970s, fandoms devoted to other areas had begun, including the Baker Street Irregulars for Sherlock Holmes, 'zines for the mystery and romance genres, even for model railroaders.

Probably the Net will end up as the fandoms have today—dispersed, intense, with highly evolved functions to screen out noise. Fandom invented a women-only APA, a fanzine designed to increase activity itself (appropriately titled *Fanac*), secret APAs. We should expect the Net to blossom with similarly ingenious social molds. Analogy to fandom can tell us where we should start.

Wired's Kevin Kelly thinks that the Net will become the dominant force in our culture. I rather doubt it; who in the 19th century would have described the post office that way? Yet it seemed equally wondrous at the time. But if Kelly is right or even half-right, an eye cast to our past is even more relevant now.

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Class Consciousness

By Rick Henderson

The House Republican freshmen: always aggressive, sometimes obnoxious, hardly monolithic

AMONG THE MANY TERMS THAT might describe freshman Rep. Linda Smith (R-Wash.), "grandmotherly" wouldn't top the list. The steely-eyed, 45-year-old former tax consultant may be a grandmother, but she's anything but demure as she lectures a group of conservative activists on her political reform agenda. "We need to control special interests before we can balance this budget," she says of her proposal. "After the '96 election, there will be no more gifts, no more contributions from corporations, no more from unions."

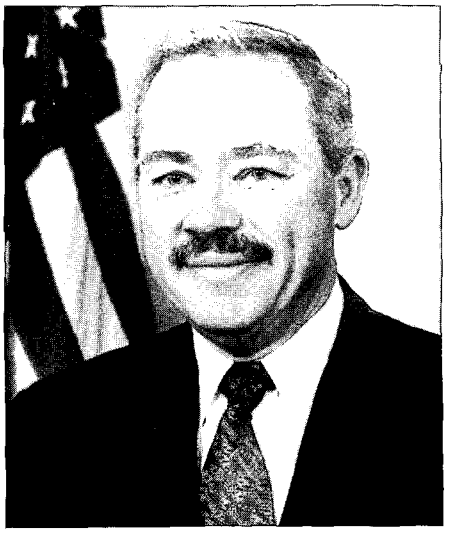
Not everyone in the room is excited by Smith's objectives. "That woman is doing the work of the devil," says a prominent GOP strategist after the meeting. "How on earth does she think a gift ban would roll back the federal government?" asks another observer. But with the blessing of Majority Leader Dick Armey, Smith will see her lobbying and gift reforms come up for a vote on November 16, after this story goes to press. By allowing a vote on Smith's agenda, Armey abandoned Majority Whip Tom DeLay, perhaps his closest friend in Congress. DeLay opposes the measure in part because an absolute ban on trips offered legislators by businesses and nonprofits might prevent him from promoting and attending the charity golf tournament he sponsors each year in his native Texas.

Frequently described as feisty, rambunctious, and rowdy, the House Republican freshmen have alternately boosted and antagonized congressional leaders. Elected as "outsiders," the class has elevated reforming the political process above all other issues, an obsession that occasionally contradicts their determination to cut back the size of the federal government. And despite their much-ballyhooed class solidarity, individual freshmen have shown they can act independently when they feel duty calls.

In 1994, the GOP picked up 52 seats and replaced 21 additional Republican incumbents. Party leaders Newt Gingrich and Armey (along with pollster Frank Luntz) galvanized the class behind the Contract With America, which they sold as a blueprint for reforming and rolling back the federal government. But the Contract was about more than congressional accountability. Luntz consciously designed it to lure back to the GOP the people who voted for Ross Perot in 1992. It accomplished that marvelously well: While half of the self-described Perot voters chose Republicans in 1992 congressional races, two-thirds voted Republican in 1994.

The Contract's unifying message and the Perotistas' zeal for cleaning up Congress have provided opportunities and challenges for the new Republican leaders. Yet the Contract's reformist message was really nothing new. Four years earlier, another group of GOP freshmen came to Washington, vowing to shake up the establishment. While their numbers were smaller, and their minority status prevented them from directly influencing policy, the Gang of Seven's agenda and tactics set the stage for the class of '94.

The 1990 elections came on the heels of the Bush administration's budget cave-in and allegations about problems inside the House bank and post office. Republicans lost a handful of seats, but seven new GOP members—John Boehner (Ohio), John Doolittle (Calif.), Scott Klug (Wis.), Jim Nussle (Iowa), Frank Riggs (Calif.), Rick Santorum (Pa.), and Charlie Taylor (N.C.)—worked together to embarrass Democratic leaders who refused to disclose the names of members who had overdrawn their House bank accounts and the number and amounts of those overdrafts. By relentlessly staging events for the press (Nussle once entered the House wearing a paper bag on his head) and using one-minute speeches on C-SPAN, the Gang of Seven shamed the Democrats into full disclosure.



Rep. Bob Barr (R-Ga.): The former CIA analyst and U.S. attorney was the leading GOP opponent of the terrorism bill.

Once they accomplished their short-term objective, the gang didn't disappear. In 1992, for instance, Boehner led the drive to complete ratification of the 27th Amendment to the Constitution, which prohibits Congress from raising members' pay during its current term. Thirty-nine states had ratified the amendment, but six of them did so in the 18th century. Boehner insisted that the ratification votes were valid, and when the Archivist of the United States agreed, the amendment became law.

When the Republicans took over Congress, the gang wasn't left behind. Santorum defeated Harris Wofford for a U.S. Senate seat in '94. Boehner is now chairman of the House Republican Conference, the number four post in the GOP leadership. Gingrich picked Nussle to lead

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the transition from Democratic to Republican control, and Klug as his point man on privatization.

The Gang of Seven demonstrated how a small but cohesive group, even in the minority party, could discombobulate the congressional establishment. Imagine, by contrast, how much clout a coalition that constitutes more than one-third of a slender House majority might possess.

THE BELTWAY PRESS CORPS CONSIDERS the freshmen of '94 identical to the Gang of Seven, only 10 times bigger. From *U.S. News* to *The New Republic*, the media portray the class as unruly, obnoxious, relentlessly protective of any rogue members who might offend a party power broker, but always unified.

The most frequently cited example of the freshmen's alleged herd mentality occurred in October when Appropriations Committee member Mark Neumann (Wis.) refused to vote for a military spending bill. Committee Chairman Bob Livingston (La.), who had seen Neumann earlier vote against leadership-backed spending plans, bumped the freshman off of his subcommittee. Neumann complained to other freshmen, who went as a group to lobby Gingrich. Neumann not only won back his subcommittee seat; he also received a seat on the Budget Committee—the only freshman to sit on both committees.

While the freshmen may be protective of their own, however, they are far from monolithic. In fact, the class has divided into three distinct groups.

The Team Players. The freshman class is certainly the most interesting group of rookies since the Watergate Babies came to Washington 20 years ago. But not everybody can be a star; and if the Republicans are going to roll back the federal government, most of the people in this class, who will rarely make headlines outside their home districts, will have to do the grunt work for their party leaders.

Every revolution needs loyal foot soldiers; the team players should provide Newt's most reliable recruits. Few hail from traditional Republican districts.

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They won last year because the Contract gave them an agenda, and they'll remain its most dedicated defenders. Their chances for reelection depend entirely upon the ability of this Congress to get those items passed. As the Contract languishes in the Senate, their political futures become dicey. This group includes Fred Heineman (N.C.), Jack Metcalf (Wash.), and Dan Frisa (N.Y.).

The Coaching Staff. The freshmen repeat their revulsion with the Washington establishment like a mantra. But the people the freshmen picked to lead their class, the coaching staff, aren't government greenhorns. As one former congressional staffer with close ties to several freshmen puts it, the leaders of this class "have a maturity that forces them to leaven their opposition to Washington with their knowledge of the way the legislative process works."

Take class president Roger Wicker of Mississippi. As a 16-year-old, he was a page for Democrat Jamie Whitten, who retired last year after 22 terms in the House. Wicker, who was also a state senator and a staff member for then-Rep. Trent Lott, won Whitten's old seat.

Class vice president Mark Edward Souder worked for Indiana Sen. Dan Coats for four years, eventually becoming Coats's deputy chief of staff. One of the two freshmen liaisons to the House leadership, Sue Myrick, was mayor of Charlotte, North Carolina; the other, David McIntosh of Indiana, was the executive director of Vice President Dan Quayle's Council of Competitiveness.

"Even-tempered" is the way the former Hill staffer describes the class leaders. They rarely lose their cool (in public, anyway), and while they may push some initiatives the party leaders can't stomach, they recognize that, to have any influence, they must remain loyal to the Republican bosses.

For instance, a group of 30 "New Federalists" led by Kansan Sam Brownback put together task forces that drafted proposals to abolish the Departments of housing, Energy, Education, and Commerce. The GOP leaders agreed to bring forward only the Commerce plan this year. Rather than making a public stink, the freshmen rallied around a proposal drawn up by freshman Dick Chrysler (Mich.), who ran the Commerce task force. Chrysler's plan—which unlike a competing proposal by veteran porkbarrel pol Bud Schuster (R-Pa.) would do away with the department—won the blessing of Commerce Committee Chairman Thomas Bliley (Va.).

The Free Agents. Several freshmen, however, have shown little interest in preserving traditional congressional decorum. Neumann, a home builder, has engaged in shouting matches with constituents at town meetings. Texan Steve Stockman claimed that Attorney General Janet Reno committed premeditated murder during the Waco raid. Californian Andrea Seastrand defended a balanced-budget amendment on the House floor by reading verse written in the style of Dr. Seuss's *Green Eggs and Ham*. ("They will not try a balanced budget, Sam I am./They will not try it with a mouse./They will not try it in the House.") And then there's Sonny Bono.

There are a few outliers in this class. Some may just have an overactive sense of humor, such as Steven LaTourette of Ohio, who "hired" humor columnist Dave Barry to work as a press aide and speechwriter for a week. Yet others have taken stands on issues that have made the party elders a bit uncomfortable.

Occasionally these mavericks perform like garden-variety big-spending politicians. LaTourette voted against the House budget reconciliation because he objected to cuts in the Earned Income Tax Credit and Medicaid. Georgian Saxby Chambliss joined three other GOP renegades on the Agriculture Committee and voted against chairman Pat Roberts's Freedom to

Freshmen Who Gained Democrat Seats And Ran in a Bush + Perot > 60 District

	Bush	Perot	B+P	'94 vote
Matt Salmon (AZ1)	40	26	66	56–39
J.D. Hayworth (AZ6)	38	23	61	55–41
George Radanovich (CA19)	43	18	61	57–40
Joe Scarborough (FL1)	51	23	74	62–38
David Weldon (FL15)	43	26	69	54–46
Bob Barr (GA7)	46	15	61	52–48
Saxby Chambliss (GA8)	45	15	60	63–37
Charlie Norwood (GA10)	47	14	61	65–35
Mark Edward Souder (IN4)	46	22	68	55–45
Sam Brownback (KS2)	36	28	64	66–34
Todd Tiahrt (KS4)	40	27	67	53–47
James Longley (ME1)	32	28	60	52–48
Gil Gutknecht (MN1)	34	26	60	55–45
Jon Christensen (NE2)	47	20	67	50–49
Michael Forbes (NY1)	40	21	61	53–47
Walter Jones Jr. (NC3)	47	15	62	53–47
Frank Cremeans (OH6)	40	20	60	51-49
Steven LaTourette (OH19)	37	23	60	48–43
J.C. Watts (OK4)	42	25	67	52–43
Jim Bunn (OR5)	40	25	65	50–47
Mac Thornberry (TX13)	43	20	63	55–45
Jack Metcalf (WA2)	33	27	60	55–45
Doc Hastings (WA4)	42	22	64	53–47

Source: The Almanac of American Politics 1996

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Farm Act. (See "Bummer Crop," December 1995.) Linda Smith kept the leadership from privatizing the Bonneville Power Administration, saying she would not support privatization "if it is going to destroy the economy of our region."

Other freshmen, however, have opposed their leaders on matters of principle. Judiciary Committee member Steve Chabot, from Cincinnati, defied Lamar Smith (Tex.), chairman of the immigration subcommittee, and tried to remove an employment telephone verification system, tied to a national worker registry, from Smith's immigration-control bill. (See "Bringing the Border War Home," October 1995.) Chabot referred to the provision as "dialing 1-800-BIG-BROTHER." When his anti-registry amendment failed by a 15–17 vote, he promised to try to remove the verification system from the bill when it reached the House floor. "I wasn't sent here to add to the power of the federal government or add to the burdens on working Americans," he said after the vote.

Chabot was also the only committee Republican who voted to split the immigration bill into two measures: an enforcement bill to control illegal immigration, and a separate set of limits on immigration visas. This amendment also failed, but he hopes party leaders will split the bill before it reaches the floor.

Georgian Bob Barr, a former CIA analyst and U.S. attorney, has also given Judiciary Committee Chairman Henry Hyde (Ill.) a few headaches. In the aftermath of the Oklahoma City bombing, the Senate rushed through a sweeping new anti-terrorist bill by a vote of 91–8. But the House could never bring its own version, which Hyde championed, to the floor.

Hyde was stymied by a collection of privacy and civil liberties advocates, gun owners' groups, and the Congressional Black Caucus—the same coalition that temporarily derailed the 1994 crime bill. Barr was the coalition's most vocal Republican spokesman, expressing concerns about provisions that would make it easier for law enforcement agencies to tap telephone calls without first getting a court order. He also set off alarms about the bill's overly broad definition of terrorism, which would have made most crimes committed with a firearm federal offenses, and might have allowed police to define some domestic disputes as acts of terrorism. And he got Southern representatives, including some Democrats, on board by questioning the bill's expansion of the use of federal troops for routine law enforcement. By late September, Hyde admitted he couldn't get a majority to vote for the bill and removed it from consideration.

Barr, whom Gingrich appointed to head a task force on firearm policies, has experience as a federal prosecutor that could make him a formidable critic of criminal justice excesses. Gregory Nojeim of the American Civil Liberties Union suggests that Barr could inherit the mantle worn for three decades by former FBI agent Rep. Don Edwards (D-Calif.), who was a thorn in the sides of overreaching federal law enforcers until his retirement from the House in 1994.

Many of these free agents may not be rogue actors after all—a potential problem for Gingrich and company. The free agents instead may be defenders of the GOP agenda whose loyalty is divided by the infamous Perot voters. In the spring of 1994, *The Evans & Novak Political Report* suggested that the Democratic districts most ripe for a Republican takeover were those whose voters gave at least 60 percent of the 1992 presidential vote to George Bush plus Ross Perot.

Sure enough, 23 of the 52 seats that changed hands followed this formula. (See chart.) And Perot received a higher percentage of the vote in 18 of these districts than he did in the nation as a whole. Peter Roff, political director of GOPAC, the Republicans' political action committee and candidate-training organization, says most of the self-identified Perot voters are Reagan Democrats and Reagan independents for whom procedural reforms are often as important as reducing the overall size of the federal government. Perotistas constitute a crucial segment of the Republican coalition, but if the GOP's congressional majorities hinge on the Perot voters' support, such issues as term limits and campaign-finance reform may crowd entitlement and tax overhauls off the agenda.

As unlikely as the 1994 GOP takeover may have seemed when it happened, congressional Republicans had a chance to prepare for it. They started gaining strength when the Senate sustained a filibuster of President Clinton's stimulus package in 1993. The death of the Clinton health care plan, which came as the Contract was being born, made a Republican victory that November seem possible. As Newt Gingrich prepared to take charge of the House, he brought several party firebrands under his wing: Dick Armey, Ohio's John Kasich, Pennsylvania's Bob Walker, and, naturally, the Gang of Seven —all of whom have offered invaluable help to the new speaker.

The class of '94, however, may pose a different challenge. Seventy-three legislators hailing from disparate districts are difficult to keep on the same page. Maintaining a majority is tougher than assembling it in the first place. And those pesky Perot voters may push a significant chunk of the junior members to pursue issues party leaders consider distractions.

The '94 freshmen may also need to exercise more of a commodity that has for them been in short supply: patience. After all, the GOP "revolution" hasn't yet reached the Senate, where two-thirds of the members haven't faced reelection, and power still resides with Bob Dole and accommodationist committee chairs John Chafee, Nancy Kassebaum, and Mark Hatfield. As long as the Senate continues to lag behind the House, rolling back Washington will remain problematic. After a couple of more congressional elections, we'll know if the '94 House freshmen constituted a revolutionary vanguard or a mere phalanx who temporarily held the expanding welfare state at bay. ®

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Niche Players

By Charles Oliver

Hollywood has found profits in arthouse fare. But can it stand the controversy?

QUICK, NAME SOME OF THE MOST profitable films of 1995.

Did *The Usual Suspects* or *The Brothers McMullen* come to mind? What about *Belle de Jour*? They should have. Granted, their combined rentals probably wouldn't pay Sylvester Stallone's salary for his next movie, but on a dollar-returned-per-dollar-spent basis, they were among the most successful films released last year. Indeed, 1995 was an incredibly good year for so-called niche movies.

And the summer was especially good. Those months are usually dominated by films aimed at teenagers and younger kids who are out of school. But companies who distribute specialized films took a chance that adults might want something different. They put their arthouse fare into a market saturated with action films and kiddie comedies and came up with winners.

This counterprogramming is emblematic of an ongoing trend in Hollywood. For years, the big studios have chased after the youth market that produces megahits such as *Batman* and *Star Wars*. Foreign markets, which reward the universal language of sex and violence, have also become quite important, going from one-quarter of Hollywood's total revenue 20 years ago to more than half today.

But the rise of these two markets meant that the films Hollywood made, as a group, became less cerebral. Independent filmmakers and distributors stepped into the breach. These distributors specialized in so-called arthouse pictures, and the dumber Hollywood got, the more successful offbeat fare became. Some of the biggest hits of recent years—*Pulp Fiction*, *The Crying Game*, *Four Weddings and a Funeral*—were arthouse movies. And given the low, low budgets of these films, they were more profitable than a lot of films that had much higher grosses.

Miramax's *Priest*: Can big studios handle controversial arthouse films?

The big studios aren't run by fools, and they are nothing if not imitative. They saw the success niche films were having and have jumped on the bandwagon. In the past two years, all of the major studios except Paramount have started or purchased distributors devoted to arthouse fare. Fox has Searchlight and Sony has Sony Classics, for instance.

The trend started in earnest when Walt Disney Studios bought Miramax in 1993. Miramax was, at the time, the highest-profile of the independent film distributors, and it is almost single-handedly responsible for Hollywood's interest in niche films. You may not have heard of Miramax or the men who founded and run it, Harvey and Bob Weinstein, but you've certainly heard of the films it has distributed. To name just a few: *The Crying Game*, *Priest*, and *The Cook, the Thief, His Wife and Her Lover*.

If there was ever any doubt, the success of niche movies—and the studios' embrace of arthouse fare—should prove that the market can produce challenging art. That's good news for those who like intelligent, sometimes edgy films. But it isn't exactly clear that the big bureaucratic studios are the sorts of places that can nurture tiny films.

FOR YEARS, HOLLYWOOD SHUNNED ART films. They didn't make much money. They didn't get a great deal of attention. Who needed them when you could make a big action film that could clean up at the box office?

But Hollywood movies, particularly action films, have become extremely expensive. Stars such as Slyvester Stallone and Jim Carrey get $20 million a film, plus a bit of the gross revenue. Computer animation and other special effects have become necessary to give films the look that audiences demand. It costs $40 million to make and market the average studio film these days. And the profit margins are declining on even those films that do make money. Take *Waterworld* and *Last Action Hero:* Both of those films grossed over $200 million worldwide, but neither probably broke even.

Enter Miramax. This company really didn't reinvent the arthouse film. Indeed, Miramax's founders rarely produced their own movies, usually buying them from independent filmmakers. But Miramax showed an uncanny feel for how the market had changed.

As Hollywood movies were becoming dumb and dumber, Americans were becoming more and more educated. More Americans today have college educations than in decades past, and thanks to cable and videotapes, a lot of people get to see most everything Hollywood puts out. That leaves many people hungry for something different. And those people have changed the arthouse market.

In the past, foreign-language movies

NICKY JOHNSTON

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dominated the arthouse. The English-language films that were shown tended to be edgier stuff that might turn people off: John Waters's movies and Andy Warhol's films come to mind.

Today, however, foreign-language films aren't very important. English-language films dominate. And while there is still a market for edgy films, there's a pretty sizable market for gentle pictures, too. The success of Gramercy's *Four Weddings and a Funeral* shows that.

In turn, the number of screens specializing in niche films has doubled in just the past five years. One can thank the multiplexing of America for this trend. Long derided as cookie-cutter theaters, multiplexes have in fact provided great opportunities for niche films. In areas where screens are numerous, it isn't enough to play the same studio blockbuster as everyone else. So why not take a chance on something different? Distributors who wanted to counterprogram couldn't have done so without exhibitors willing to take their product.

Niche films' low budgets mean they still have a good chance of at least breaking even. Twentieth Century Fox will only have to gross a couple of million dollars to earn back its money on its recent release *The Brothers McMullen*. That probably wouldn't even pay the catering on the typical film the studio releases. And when an arthouse film breaks out into the mainstream, it can be enormously successful. *Four Weddings and a Funeral* cost only $4 million, but it grossed more than $250 million worldwide.

THERE'S MORE TO STUDIOS' INTEREST IN art films than a search for lower-cost, lower-risk alternatives to their standard fare, however. The studios have long used the independent film world as a farm system for writers, directors, and virtually every other position in movies.

Now, they seem to want to gain some control over that farm system, helping to cement relationships with the talent of tomorrow. For instance, a couple of years ago, Sony Pictures picked up director Robert Rodriguez's independently made (and ultra-low budget) *El Mariachi* for distribution. The film did well, and Sony signed Rodriguez to direct *Desperado*, which became one of 1995's most profitable films.

Art films can also help cement relations with established talent with a yen to try something different. Witness all the big-name actors who took low salaries to act in *Pulp Fiction*.

Of course, there may be problems. The big studios are geared toward putting out big, mass-audience films. It isn't clear that their bureaucracies can be as nimble as the small companies that have traditionally dominated the niche-film market.

There's the basic question of whether these new divisions can stick to their mission of making low-cost films. In the two years since it was acquired by Disney, Miramax has raised eyebrows with its relatively free-spending ways. Competitors grumble that the Weinsteins have used Disney's dollars to bid up the price of talent. So far, though, Miramax's budgets remain well under Hollywood standards, and they seem to be successful. Witness the money *Pulp Fiction* made.

And once a specialized film is made, there's the problem of selling it. Marketing an art film involves more than just buying a lot of television ads—it requires wit and creativity.

Take *The Brothers McMullen*. Edward Burns made the movie for $20,000, raised mostly from family members. Then a friend of his who works for Fox Television passed on a videotape to the head of Fox's arthouse distributor, Searchlight. Searchlight in turn gave Burns $50,000 to finish post-production of the film. In exchange, Searchlight got the option to distribute the film. Burns finished editing the film, and he took it to the Sundance Film Festival. The audience response was so enthusiastic that Searchlight picked up its option, paying Burns $500,000 for the movie.

Searchlight then used a series of low-cost stunts to create awareness for the film. The night before it opened in New York, for example, they invited every McMullen in the Manhattan phone book to a special screening. In another stunt, they admitted each person who brought his brother free.

The most obvious way to generate awareness for a niche movie may be controversy, however. And that poses problems of its own, at least for big studios.

Miramax is the past master of this trick. From the violence in *Pulp Fiction* to the transvestite in *The Crying Game*, Miramax has not shied away from taking on films with controversial elements. Indeed, it has used those elements to gain all sorts of free publicity for the films. But much as they may love the publicity controversy generates, it remains to be seen whether big corporations have the guts to continue releasing very controversial movies. Two years ago, for example, Disney made Miramax give up the Martin Lawrence concert film *You So Crazy* after the ratings board slapped it with an NC-17 rating. Disney is contractually bound not to release unrated films, and it has a corporate policy against releasing NC-17 films. Earlier this year, the Weinstein brothers released the film *Kids* on their own for much the same reason.

Disney has reason to worry. When Miramax released the R-rated *Priest*, it inspired boycotts of Disney products by Catholics upset at the film's presentation of sexually active clergymen. Small companies don't have to worry about such threats, since people offended by their films probably aren't their customers to begin with. But a big corporation has to consider a film's impact on the rest of its business—which in Disney's case includes not only family films but theme parks, both much larger sources of revenue than Miramax.

If big studios don't prove able to stick with specialized films, however, that doesn't mean they won't get made. As long as the audience is there, firms will have an incentive to produce for them. And if the big companies neglect this audience, that just creates an opportunity for the next Miramax. ®

Contributing Editor Charles Oliver writes for Investor's Business Daily.

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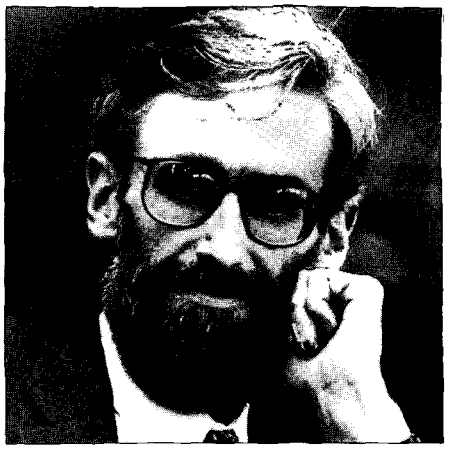
Locke Mess

By Loren E. Lomasky

Passions and Constraint: On the Theory of Liberal Democracy, by Stephen Holmes, Chicago: University of Chicago Press, 350 pages, $29.95



Stephen Holmes: A leading anti-antiliberal on the run from libertarianism.

WHETHER DESPITE OR BECAUSE of its demonstrated ability to establish beachheads of peace and prosperity in a world where poverty and hostility are the norm, in each generation liberal democracy is assailed by clutches of indignant despisers. During the 1930s fascists and communists agreed on little other than disdain for the democracies that both declared insipid, decadent, and doomed. The flower children and New Left of the 1960s dismissed liberalism as a subservient tool of capitalism. Their tastes ran more to the "people's democracies" of Eastern Europe and Asia than to what they characterized as the compromise-ridden, indecisive regimes of the West.

Today the language of the critique has shifted, but the underlying animus against liberal democracy persists. Distinguished political theorists join with self-appointed spokespersons for those victimized on the basis of class, race, gender, or sexual orientation to preach a gospel of particularism that celebrates "cultural diversity" and "community." This most recent cohort of critics dismisses liberal toleration as either the tattered myth within which elites package repressive policies or, alternatively, decent enough but too tepid a broth to sustain the spirits of atomized individuals cast adrift in the seas of postmodernity.

A noteworthy sidelight to the protracted campaign against liberal democracy is the conciliatory meekness offered up in response by wide swaths of an intelligentsia that might instead have been expected to rise to forthright defense. There have, of course, been honorable exceptions such as John Dewey and F. A. Hayek, both of whom endured years of marginalization and exile from the mainstream of so-called progressive political discourse. They are now acclaimed, justly, as clear voices from the wilderness.

Among contemporary launchers of counterattacks against the foes of liberalism, few have been as sharp and incisive as Stephen Holmes. In a series of articles and reviews, later collected in *The Anatomy of Antiliberalism*, Holmes takes on the historical and, especially, contemporary icons of illiberalism. These essays wed scholarly mastery over primary texts to a hard-hitting prose that uncompromisingly explodes the fatuities, solecisms, and fuzzyminded theories of the gurus of avant-garde politics. Both within and outside the academy they attracted an influential circle of admirers. Unlike other major exponents of liberal political philosophy such as John Rawls, Robert Nozick, and Ronald Dworkin, though, Holmes has been known almost entirely as a leader of counterattacks; his positive views have been much less visible.

Passions and Constraint aims to fill that gap. Sandwiched between a brief introduction and conclusion are eight previously published essays laced together for the occasion by a few connecting threads. Together they advance the following three theses: First, the canonical texts of liberalism do not embrace a view of human nature as essentially egoistic and calculating but rather depict man as a field of contending passions only sporadically governed by self-interested reason. Second, constitutional constraints of the sort that typically govern liberal regimes do not undermine the capacity of majorities to give effect to their will through democratic means; limited government can be and typically is stronger in virtue of its limitations. Third, the legitimate inheritor of the tradition of classical liberalism is not libertarianism but the welfare state.

ALTHOUGH HOLMES IS TOO WELL-informed and engaged a student of political texts not to stimulate and inform, *Passions and Constraint* is only intermittently successful. Its most solidly grounded discussions tend either to lack novelty or to veer away from what is philosophically central, while its boldest and most original arguments display patches of surprising clumsiness.

For example, a few evangelizing economists aside, it is hard to find any notable liberal theorist who has maintained that human beings always act as relentlessly wealth-maximizing *homo economicus*. Individuals coolly and deliberately plot strategies to advance their own material well-being—sometimes. But they also act from love, loyalty, rage, rancor, jealousy, whimsy, spite, superstition—often to their subsequent regret and not infrequently with concurrent awareness that they are inflicting grievous harms on themselves.

The frailty of reason when caught up in gales of passion was much commented on by the philosophers of antiquity; Holmes amply demonstrates in "The Secret History of Self-Interest" that modern moral philosophy was equally conversant with the waywardness of self-interest. Even Thomas Hobbes, that doughty champion of prudent preservation of life and limb, is shown in a companion essay to have described the English Civil War

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as permeated at every stage by irrational, self-destructive excesses on the part of people who should have known better.

That the great modern moralists acknowledged chasms of unreason in human life is undeniable, and Holmes's presentation of the evidence is as incisive as any I have seen. But its very comprehensiveness underscores what is missing: an account of how in the presence of such a cornucopia of indications to the contrary these liberal thinkers could ever have been read as offering a theory of human beings as self-interested rational maximizers.

The answer, as one might expect, is that important themes in the texts support a version of that interpretation. Rational self-interest may be far from ubiquitous, may suffer frequent and drastic eclipses, but it is nonetheless privileged among the springs of human action. It is the norm from which deviations are judged to be deficiencies. In this regard reason is like health. Even if almost all of us almost all the time fall short of exemplifying perfect health, that does not in any way impugn models of adequate human physiology.

What health is to the functioning of the body, prudent regard for interest is to effective agency; on this nearly all the modern liberal theorists are agreed. And not them alone. Aristotle freely acknowledges the persistence of unreason in human affairs but nonetheless takes it to be a definitional truth that man is *rational animal*. What modernity adds to the anthropological reflections of antiquity is the Enlightenment faith that science is destined in the long run to supplant superstition in the minds of men, and that an enlightened understanding of society will enable the design of institutions under which liberty will be enhanced, passions restrained, and prosperity generalized.

All of us, claim the architects of liberalism, have a primary stake in instituting and maintaining a regime in which voluntary transactions for mutual advantage predominate. If only individuals can be induced to retain a keen sense of where their interest lies and then to adopt instrumentally rational means to advance it, the desired end is within our grasp. Counting testimonials in the writings of classical liberals to failings of reason is accurate enough scholarship but obscures the philosophical core of the liberal project.

THERE IS MORE SUBSTANCE TO HOLMES'S explorations of his second theme: the possibility of enhancing government's efficacy through limitation of its scope. Via a fresh and insightful deployment of classical texts, Holmes discovers an early version of this argument in the 16th-century French theorist Jean Bodin, best known as a political absolutist. Then, in "Gag Rules or the Politics of Omission," he serves up a splendid array of instances in which governments' limitations of what will be allowed a spot on the political agenda expand their capacity to govern. Nicely

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complementing this informative excursion into practical politics is "Precommitment and the Paradox of Democracy," a theoretical joust between teams captained by Tom Paine as advocate for unlimited democracy and James Madison as proponent of strengthening democracy by limiting it.

Some of this is wonderfully good. Some, though, is sloppy. Holmes cites Madison's remark that "the important distinction so well understood in America between a Constitution established by the people and unalterable by the government, and a law established by the government and alterable by the government, seems to have been little understood and less observed in any other country." Holmes takes this to imply a belief by the federalists that constitutional restraints are "an instrument of self-government, a technique whereby the citizenry rules itself." And he draws the further corollary that "once it is recognized that learning capacity can be enhanced by strategic self-binding, then self-binding becomes not only permissible but obligatory."

Who, though, is this self-binder and self-ruler? It is, says Holmes, the citizenry. But that is not what Madison is saying here; indeed, it is diametrically opposed to Madison's point. In the cited passage he is intent to distinguish sharply between *the people* who establish through their consent the constitutional constraints under which they will be ruled and *the government* that subsequently exercises that rule. The matter at issue is, then, not self-restraint by a people that is to govern itself but restraint by that people over the motley collection of senators, representatives, and executive functionaries who will be their governors. It is *they* who are to be bound, not *oneself.*

To elide this distinction is to distort the most critical component of the federalist concern to establish a constitutionally limited government, a republic in which strong wire protects the hens from the foxes. For Madison as for Plato before him, the question "Who will guard the guardians?" is central to the craft of political construction. It is not resolved by the happy thought, "Well, they can guard themselves." Representative democracy is, one may agree, a form of government than which no better has been invented, but that does not sanction playing fast and loose with ambiguities latent in the term "self-government."

If Holmes's development of the second theme is a bit slipshod in places, the third is thoroughly ramshackle. There is a specter haunting *Passions and Constraint*; it is the specter of libertarianism. Although I don't usually speculate about the biographical minutiae that may have played a role in shaping an author's manuscript, these essays convince me that Holmes is chafing under the burden of being taken by detractors and sympathizers alike to be a singer in the libertarian choir.

Holmes undertakes to redeem the soul of the liberal tradition for the democratic left. The legitimate inheritor of John Locke is, he contends, not Hayek or Milton Friedman or any of their ilk but rather John Rawls.

And why should they not? The evidence is substantial. Holmes has made a career of vigorously, unapologetically, and confidently smiting philistine antiliberals with their own asinine jawbones. Surely, someone might reasonably conclude, no such intrepid champion could arise from the crop of diffident, desiccated, demoralized welfarists who nervously skitter away from contagion by the "L-word." Who other than a libertarian promotes such a muscular liberalism? Some of us would wear such an identification as a badge of honor. But in the academic circles in which Holmes travels it is otherwise. Quite otherwise. And so to protest his innocence he inserts gratuitous antilibertarian sneers wherever in the text he finds an apt—or not-so-apt—occasion. I counted well over a dozen. This amounts to more than a moderate haunting; it verges on possession.

By way of performing an exorcism, Holmes undertakes to redeem the soul of the liberal tradition for the democratic left. The legitimate inheritor of John Locke is, he contends, not Hayek or Milton Friedman or any of their ilk but rather John Rawls. An authentically classical liberalism suitably retooled for the circumstances of the late 20th century will, Holmes insists, be markedly egalitarian and redistributionist. If he can pull this argument off, it will be a major breakthrough for welfare liberalism, and in "Welfare and the Liberal Conscience," Holmes hauls out his biggest guns in service of these revisionist claims.

They misfire. First Holmes implausibly attempts to recast conflicts in liberal thought between freedom and equality as oppositions between different kinds of freedoms. If this were right it would conveniently transform egalitarian-inspired fetters on liberty into promotions of (other varieties of) liberty. Next he maintains that the liberal tradition defends "sovereign, centralized, and bureaucratic authority" for its "important trust-busting functions," inverting the traditional liberal critique of the state as the creator and sustainer par excellence of monopoly.

Finally, bringing this stage of the argument to what he takes to be triumphant closure, Holmes cites welfare liberalism's favorite passage from Locke (*First Treatise of Government,* 42): "We know God hath not left one Man so to the Mercy of another that he may starve him if he please....As Justice gives every Man a Title to the product of his honest Industry, and the fair Acquisitions of his Ancestors descended to him; so Charity gives every man a title to so much of another's Plenty, as will keep him from extream want, where he has no means to subsist otherwise." Concludes Holmes: "That this passage enunciates a universal *entitlement to welfare* cannot be denied" (italics in the original).

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Has he succeeded after all in paving an impeccably Lockean road to the welfare state? I have often cautioned my students to be on guard when an author labels a result "undeniable" or "incontrovertible"; most likely they are encountering something that begs to be controverted. This paragraph is a paradigm of the genre. With breathtaking nonchalance Holmes utterly neglects the qualifications that Locke carefully attaches to claims for relief from indigence.

First, such claims are directed only against "another's Plenty"; no basis whatsoever is admitted for redistributing goods away from those whose stock is less than plentiful. Second, transfers are justified only in the case of "extream want"; no global principle of promotion of equality in holdings such as the Rawlsian Difference Principle can be inferred from it. Third, alms are explicitly said by Locke to be a last resort; they are forthcoming only to he who "has no means to subsist otherwise." Fourth, the entitlement is only to so much as is required to lift the beneficiary out of desperate indigence to a level of minimal subsistence. Fifth, the title is said to be one of "Charity"—and not, for example, justice or rights. But charitable provision is by its very nature voluntary, the free gift of a donor prompted by compassion or fellow-feeling. Claims to charity, accordingly, are not difficult to distinguish from a few thousand pages of IRS code or Department of Health and Human Services regulation. If we are looking for a proposition that really does not admit of being denied, this is an exemplary candidate.

What, then, does the "universal entitlement to welfare" come to? Simply put, it morally obliges the fortunate to exhibit generosity toward those who are distinctly less fortunate. The gap between this and the welfare state is immense. It is hard to believe that a scholar who has in other contexts demonstrated himself to be a remarkably perceptive and acute reader of texts could have imagined otherwise. Holmes's erratic construal of Locke stands, therefore, as a cautionary example of how an ideologically inspired fervor to

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come down on the side of the angels can hopelessly bedevil thought. Not everywhere in these essays, but far too often, Holmes takes a ride on the sort of spavined beast to which throughout his career he himself has so memorably applied the whip. Holmes remains one of our finest anti-antiliberals. But until he better constrains the passion to prove to the world and to himself that he is untainted by any trace of libertarianism, his excursions into the positive theory of liberalism are not likely to be auspicious. ®

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Return to Normalcy

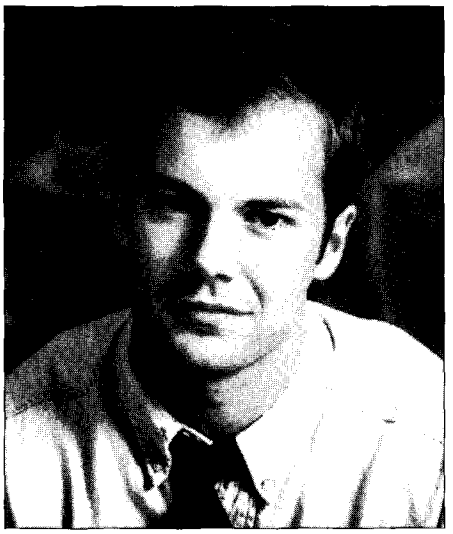
By Walter Olson

Virtually Normal: An Argument About Homosexuality, by Andrew Sullivan, New York: Alfred Knopf, 209 pages, $22.00

THE OLD NEWS ABOUT ANDREW Sullivan is his supposed bundle-of-contrasts persona: young British conservative who edits the venerable American liberal *New Republic*; Catholic but gay; fan of stuffy Michael Oakeshott but P.I.B. (Person In Black) of Gap-ad fame. The new news is that in *Virtually Normal* he emerges much more clearly as a partisan of classical-liberal, if not quite libertarian, views.

Perhaps the most remarkable element of this book is the way Sullivan sets himself squarely against the main demand of what passes for liberal, moderate, and even conservative gay politics these days: laws banning private bias against homosexuals in jobs, housing, and the like. In doing so, he helps revive a powerful yet half-forgotten rationale for classical liberalism: Even if you don't see the issue of politics as one of respecting individual rights, even if you set aside any love of liberty as such or the prosperity it engenders, it's still worth limiting the power of government because that's the only true route to social unity and peace, the only real alternative to "terminal wrangling" and the war of all against all.

The proper wonk approach to this kind of book is to skip past the sex stuff to get to the policy discussion, but a few words about the former are to the point. Appearances notwithstanding, discussion of this



Andrew Sullivan: The *New Republic* editor writes a political book on homosexuality that recognizes the limits of politics.

issue is not entirely resistant to factual findings. Sober gay advocates have receded from earlier wild guesses of 10 percent prevalence to a more plausible estimate of perhaps 2 or 3 percent of the male population.

For their part, religious traditionalists and kindred opponents have gradually become aware of current scientific views as summarized by Judge Richard Posner in *Sex and Reason*: "Homosexual preference, especially male homosexual preference, appears to be widespread; perhaps to be innate...; to exist in most, perhaps all, societies, whether they are tolerant of homosexuality or repressive of it; to be almost completely—perhaps completely—resistant to treatment; and to be no more common in tolerant than in repressive societies." As a result, many of these traditionalists have refocused their efforts away from trying to convert gays to straighthood—the very high rate of smashup in marriages contracted under these circumstances may have influenced them—and now try to talk them into lifelong celibacy instead.

Sullivan expends a fair bit of effort respectfully taking issue both with religious doctrine, especially that of the Catholic Church, and with the kind of Foucault-style social constructionism that views homosexuality as "transgressive" and means that as high praise. Readers who never felt tempted by either set of doctrines should remain patient, because brevity is a Sullivan virtue, and he is soon off to other matters.

He chides many mainstreamers who are happy to tolerate all sorts of self-destructive shenanigans out of public view but worry that any public Gertrude-and-Alice visibility, however sedate and domestic, will tempt the "waverers" said to be perched on the sexuality fence. Gays, meanwhile, says Sullivan, would do well to learn the bourgeois virtues, lest they be caught up in the "hedonism, loneliness and deceit" that critics only too accurately perceive in much of their subculture. Much of Sullivan's thunder on these issues has been stolen by his own earlier writings, and by those of Bruce Bawer, Jonathan Rauch, and others over the past few years (much in his own *New Republic*). But this will stand as a major account by any reckoning.

NOW BACK TO POLICY. EVEN IN OUR tolerant society and even aside from AIDS, gays face a long list of problems, but it's almost insane to imagine that systematic denial of jobs or housing could rank among the top 10. Yet in an extraordinary triumph of ideology over constituent interest, organized gaydom has concentrated on passing anti-bias laws even though this has meant neglecting the

DENIS BRACH

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cause of repealing laws against homosexual relations themselves, which remain on the books in many states.

Much of this emphasis can surely be attributed to the spirit of the times. For years "discrimination" has served in liberal reform circles pretty much the same conceptual function as "sin" in a Bible Belt seminary: It's been the central organizing principle of disapproval, and in practice the idea to pick up and run with when some new push to correct human nature is contemplated.

Also at fault are the bogus analogies that couple the cars on the Freedom Train. Because housing bias has been a problem for, say, blacks and Jews, it follows that gays should also beware real estate agents. (More likely, they are the real estate agents.) Then there's the legacy of the left, which presumes that the oppression nexus for any newly discovered minority group will be employment.

The anti-bias model has led gay advocates into increasingly untenable positions, such as the claim in the pending Supreme Court case that the U.S. Constitution prohibits the voters of Colorado from ruling out anti-bias laws based on homosexual orientation (though they're not obliged to pass them in the first place). And all for what? In the years such laws have been on the books, as Sullivan points out, very little seems to have changed in the relative local climate for gays in the covered places. Wisconsin's first-in-the-nation law is "almost never used"; sexual preference cases make up only 1 percent of its bias caseload. In *The Corporate Closet: The Professional Lives of Gay Men in America* (1993), James D. Woods and Jay H. Lucas found that few of their interview subjects expected to enlist the aid of such laws if their relations with their bosses took a dive. Very sensibly, they were "reluctant to seek legal solutions to what they perceive are interpersonal problems"—especially, one presumes, where going to court would invite public scrutiny of their private lives.

So the great rationale for these laws instead turns out to be reassurance that society really, genuinely does care about its

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target group. Using a similar sort of logic, a 33-year-old paraplegic told the *Chicago Tribune* when Congress passed the Americans with Disabilities Act, "Now able-bodied people won't look down on us as individuals." But unlike the engraved testimonial that the Wizard of Oz gave the Tin Man to buck up his self-esteem, the bias-law variety of assurance that you're an OK Person Too comes with real costs to others.

As Sullivan stresses, it adds to "the now elaborate rules governing how individuals can associate with and employ people," rules which cumulatively "inhibit freedom of choice," notably "one person's liberty to hire the kind of people he or she want[s]." Controls on the "fundamental" liberty of contract, coupled with hate-speech rules which curtail each person's "right to say what he or she fe[els] about others," add up to "clear and real limitations on what were once regarded as inviolable liberties."

Sullivan cites few cases, but they're not hard to find in news reports and litigation records. A municipal ordinance in Madison, Wisconsin, got two young women in trouble for preferring straight to lesbian roommates. Minnesota officials successfully pressed charges against a health club run by born-again Christians who were hiring only their co-believers as managers; although Minneapolis musclemen and their trainers surely had plenty of other options, the cause of "diversity" required the suppression of this odd little institution, even as the famed Vietnamese hamlet had to be destroyed in order to be saved.

Other employment lawsuits have been at least as troubling. The biggest court award came in *Collins v. Shell Oil*, a case so embarrassing that gay activists seldom cite it. It involved a man who was fired after he left on an office printer the sort of blush-to-relate material about his private life that could easily have gotten a straight man fired *mutatis mutandis* under current sexual harassment rules curbing the circulation of lewd matter in the workplace. Instead a court handed him $5.3 million.

Then there was John Dill's complaint that former employer Bryan Griggs had harassed him at the office by 1) playing conservative talk radio shows; and 2) posting a letter from a local Congresswoman skeptical of gay service in the military. (Dill hadn't objected to either the radio or the letter posting at the time.) A spokeswoman for the Seattle human rights commission said the claims might well fly under the city law. After Griggs—who said he didn't know Dill was gay at all—had spent $5,000 on legal defense, Dill dropped the charges, explaining that his point had been made.

Sullivan suggests there be "no cures or re-educations, no wrenching private litigation, no political imposition of tolerance" regarding homosexuality. Instead there'd be liberty, amid purely formal legal equality.

The *Seattle Times* called Dill's complaint a "scary assault on the First Amendment," which did not prevent Rep. Barney Frank (D-Mass.) from telling *The Advocate* that "you see a record of zero horror stories" under these laws. This may be the sort of thing Florence King had in mind when she wrote: "I don't mind being regarded as perverted and unnatural, but I would *die* if people thought I was a Democrat."

It's not that Sullivan opposes ambitious gay rights measures. In particular, he's become famous for arguing the case for same-sex marriage and acceptance in military service (and does so again in *Virtually Normal*). Both, he believes, would help assimilate homosexuals into the matrix of society. Moreover, both would move the government itself toward a position of neutrality between gay and straight citizens, and neutrality is a suitable demand for classical liberals to place on their government.

But most bias fights are over the application of laws to private actors, not the government. And even a cursory look at recent controversies—over the Boston Irish parade and the Boy Scouts, for instance—suggests that, as Sullivan observes, anti-bias measures have "seemed to intensify the hostility shown toward homosexuals rather than mollify it." And no wonder: Their aim is to "educate a backward majority in the errors of its ways" at the cost of some of its liberty. Observing the complex range of not always rational emotions in gay-straight relations, they seek to "reduce all these emotions to a binary bigoted-tolerant axis, and legislate in favor of the tolerant."

Yet, Sullivan argues, using the government to enforce some citizens' views of virtue and the good life over others' is what liberalism was "invented specifically to oppose." Having reversed its policy, its modern successor "has now come to seem a fomenter of social division," "deeply implicated" in growing societal warfare. "It has come, in other words, to resemble the problem it was originally designed to fix."

Hence what Sullivan aptly calls his "peace proposal." He suggests "disentangling from each other legally, by avoiding any actual interaction in which citizens seek legal redress from other citizens about homosexuality." There'd be "[n]o cures or re-educations, no wrenching private litigation, no political imposition of tolerance." Instead there'd be liberty, amid purely formal legal equality.

Sullivan does not always seem to realize that when it comes to the government's own operations—whom to employ, how to tax, what methods to recognize for the legitimation of children—fixing on a goal of formal neutrality is only the first, not the last, step in analysis. Anti-bias norms enforced by litigation carry major costs even when applied to public employment; most citizens will feel that efficacy rather than neutrality should rule in the military if the two happen to clash. Indeed, announcing a goal of

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neutrality merely purchases a ticket to a maze of practical considerations that in a fair-minded system will not always be resolved in the direction of gay equivalency, in family law or anything else.

Though short on research and on consideration of practical details, an essay like Sullivan's can hardly be every sort of book at once. Enough that it raises at long last the right sorts of questions about its subject. Its author can bask in the compliment paid him by London's *Independent*: "Sullivan is a political thinker and yet every sentence is imbued with a sense of the limitations of politics."

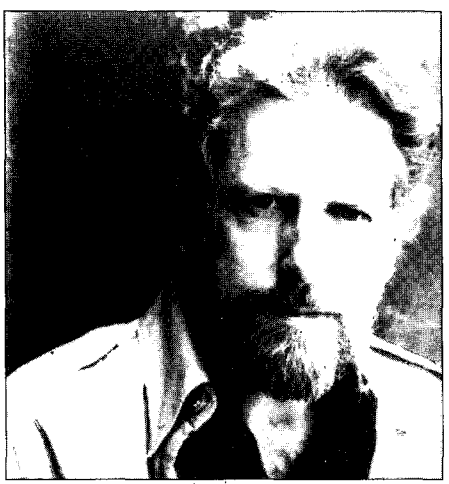
Walter Olson (73354.1400@compuserve.com) of the Manhattan Institute is at work on a book about employment law, to be published by The Free Press.

Man vs. Machine

By Joel Mokyr

Rebels Against the Future: The Luddites and Their War on the Industrial Revolution, Lessons for the Computer Age, by Kirkpatrick Sale, Reading, Mass.: Addison-Wesley, 320 pages, $24.00

WESTERN LIVING STANDARDS AND levels of physical comfort today are immeasurably higher than at any time in the past. This is hardly an earth-shaking revelation. Neither is the observation that the bulk of this achievement is due to human ingenuity and cleverness in controlling the forces of nature and using them to improve the human condition. And yet, technology has always had its detractors and enemies, who stood on the sidelines of progress, jeering and booing, and at times trying to place obstacles in the way. Ever since Prometheus discovered fire and Daedalus the art of flying, some people have felt uncomfortable and guilty about technology, and in each generation we can find some evidence of "Luddism," a hostile attitude toward the tools and ideas that are meant to make society richer.



JOYCE RAVID

Kirkpatrick Sale: In praising the Luddites of the early Industrial Revolution, he anachronistically burdens them with his modern ideology.

What explains technophobia? The opponents of technological change are neither fools nor demons, their arguments neither insane nor ignorant. While on the whole their resistance is both misguided and futile, it is imperative to understand the roots and sources of their attitude. To start with, not all enemies of technological progress were created alike. The most fundamental distinction is between the victims and the ideologues.

Technological progress inevitably has victims. It is difficult to think of a single invention in history, no matter how beneficial to society, that did not make somebody worse off. Once a technique is replaced, those who had invested in the old way of doing things end up losing their investment. If physical equipment and human skills could painlessly and costlessly be converted from technique to technique, innovation might have only beneficiaries. In practice, obsolescence is inevitable, and thus there is pain and suffering for some even when society as a whole ben-

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efits. Technological progress in a free market society means that on the whole the benefits exceed the costs, so that society is better off, even if the improvement is not "Pareto-superior," as the economists like to say. Those at the losing end of the story, whose jobs may disappear, whose skills and equipment become worthless once they are replaced by machine, would be rational to do all they can to stop the competitive market process that threatens them.

There are two ways to short-circuit technological progress: get some form of legislation or regulation to ban the new process, or go against the law and resort to violence in the form of sabotage and terrorism. The latter option, what we usually refer to as "Luddism," is the main topic of Kirkpatrick Sale's book. The Luddites were groups of workers displaced by machinery during the early stages of the British Industrial Revolution who resorted to machine breaking and other acts of violence in an attempt to stop the technological advances that threatened their livelihood. Whereas the textile mills in Britain increased the overall economic welfare of the average Briton by reducing the price and improving the quality of textiles, the stocking-frame knitters in Nottinghamshire and woolen-cloth croppers in Yorkshire were clearly worse off.

The ideological sources of resistance to new technology are more diverse. Philosophers, social thinkers, and political activists who themselves have little to lose from new technology object to some or all of the changes brought about by industrial development. They range from British aesthetes such as John Ruskin to the philosophers of the Frankfurt School and their adherents (Herbert Marcuse and Jacques Ellul) to radical writers of our own time, such as Amory Lovins, Jeremy Rifkin, and Chellis Glendinning. Kirkpatrick Sale firmly belongs to the last category of ideologues. The intellectual foundations of their attitude are well understood. One element is simply an intuitive dislike of change and novel, unfamiliar things, the "if it ain't broke, don't fix it" mentality. Another is the dislike of technology itself; while few people admit to a dislike of mechanical devices, there is an instinctive sense that they are unnatural, opposed to the carefree green pastures and sunny skies of an old bucolic world that industrial smoke has obscured forever. Bleak and lonely life in grim and grimy factory towns is compared with a Walt Disney image of friendly and cooperative peasant communities of rustic society. Changes in technology often alter the environment, which is vaguely felt to be sinful and somehow contrary to a human instinct to leave the world to our children in the same shape we found it.

There is more to the anti-technology movement than just nostalgia, bad history, and intuition. One perfectly rational element is risk aversion: Precisely because new technology is new, its exact consequences cannot be known in advance.

There is more to this movement, however, than just nostalgia, bad history, and intuition. One perfectly rational element is risk aversion: Precisely because new technology is new, its exact consequences cannot be known in advance. Fear of a thalidomide-type debacle means that many new technologies are resisted not because their effects are known to be harmful but because their effects are unknown. There is some probability, no matter how small, that nuclear power will lead to a major radioactive disaster or that bioengineering will create a mutant virus that wipes us out. There is no social calculus that can prove these judgments wrong; no matter how small the likelihood, if one is unwilling to take any chances, new technologies will always be suspect. Some cases of unanticipated nasty side effects of a seemingly benign product, such as asbestos and chlorofluorocarbons, support these views.

A related argument is that new techniques often fail to pay for their full social costs: The new factories of the Industrial Revolution unworriedly polluted the air, although clean air was a scarce resource as well. Only much later was it fully realized that even resources that are not privately owned may be scarce and should figure in the cost-benefit calculus; in the meantime the environment may sustain major damage. It is also felt that new technology dehumanizes, turns people into slaves of their own technology, and is responsible for assorted social ills, from crime to loneliness. Whereas the standards of proof required in these accusations are often loose and the nostalgic look backward to an earlier and better period usually based on incomplete knowledge of the human condition before the Industrial Revolution, it would be rash to dismiss an argument just because it was technophobic.

THE PROBLEM WITH SALE'S BOOK, HOWever, is that he conflates the story of the Luddites, a self-interested group of victims, with his own ideological approach. He imagines preindustrial England as "a world based on an enclosed communitarian life, a high degree of nonmarket self-sufficiency, a simple system of local exchange and barter...and traditions of mutuality lying outside the chaffer of the marketplace." The Luddites, he feels, were rebelling against the transformation of this cloud-cuckoo land into an industrial wasteland in which they would become mindless and pauperized slaves of the omnivorous steam engine, the real villain of the Industrial Revolution.

Unfortunately for Sale's story, his record of the Luddite riots does not contain any evidence of an explicit ideology. The rioters in Northern England were simply frightened and destitute men, driven to desperation by forces they could only vaguely comprehend, but which they associated with machinery responsible for the decline in the demand for their labor. They belonged to a long tradition of ma-

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chine breakers, going back to the 17th century, when gig mills were first introduced.

Machine breaking and forcible resistance to new technology of one kind or another occurred in most industrial nations, with varying degrees of success. Inventors were often forced to flee for their lives, had their workshops burned down and their tools destroyed, and in a few cases were assassinated. Usually these acts were committed by people who perceived that their livelihood was threatened; sometimes machine breaking was simply a convenient and persuasive form of bargaining or an easy project for hooligans. Politics was only remotely involved. While the Luddites detested Britain's Prince-Regent, so did everyone else.

Sales's view that these Luddites were some kind of industrial Jacobins is unsustainable. The Luddites were simply responding to marketplace competition against which they could not prevail. They therefore attempted to muster non-market forces. Their objective was, depending on the time and place, to get rid of the wide-stocking and lace frames that threatened the livelihood of cottage workers, of the gig mills (woolen finishing machines) that competed with skilled croppers in Yorkshire, or to stop the advent of power looms.

The unhappiness of the textile workers was compounded by the unusually bad economy in Britain between 1811 and 1813, when a combination of bad harvests and the disruption caused by warfare and blockade resulted in misery and unemployment throughout the country. The machines were a convenient scapegoat, but it is obvious that the workers sincerely believed the new contraptions were the cause of their poverty and that by destroying them they would improve their material condition. Given the circumstances of the time, this was not an irrational response. Indeed, it seems that in Nottinghamshire the Luddite riots, despite their apparent failure, succeeded in slowing down the modernization of industry. Sale adds somewhat sheepishly that for that reason the stocking industry became "among the most backward in the country." Should we infer that he considers that outcome to have been desirable?

THE NOTION THAT THESE RIOTERS WERE rebelling against an industrial and mechanized future and thus somehow shared the technophobic ideology espoused by modern radicals of the Barry Commoner and Bill McKibben type is fanciful. Sale laments the environmental damage inflicted by the Industrial Revolution and the disappearance of certain flora and fauna, and then argues that the Luddites reminded the rest of the population of the destructive effect of industrialization. The idea that the Luddites had any regard for the environmental implications of industrialization seems anachronistic, to say the least.

The related idea that the factory destroyed the social framework of mutual aid and "reciprocity over the back fence" that Sale attributes to pre–Industrial Revolution England is equally weak. The dependence of the English poor on the poor laws long before the Industrial Revolution indicates that this idyllic society of mutually supportive, responsible neighbors never existed. Moreover, modern research carried out by Lynne Kiesling of the College of William and Mary shows that in the 1860s the factory workers of Lancashire's cotton industry did all they could to support their close relatives and neighbors in time of need. The old informal safety net, such as it was, survived the coming of the steam engine.

The difference between the original Luddite rioters and the ideologues is clearly demonstrated in this book. Sale's history of the Luddite riots, which occupies about two-thirds of the text, shows that they were obsessed with specific and local issues and grievances. On the other hand, according to Sale, modern technology and industrial society can get nothing right. They destroy the physical environment as they disrupt and displace the traditional forms of communities and societies; they eliminate jobs, pauperize workers, and increase inequality, leading to growing frustration and alienation, im-

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plausibly leading to the wars and refugee problems of the 1990s. He even manages on the same page to blame the "second Industrial Revolution" (by which he means technological developments since 1945) for overpopulation and the decline in male sperm count, presumably in the long run an inconsistent coupling.

In short, Sale's is the voice of the intellectual technophobe. He and his colleagues appear not to have personally suffered from modern technology; indeed some of them seem to have done quite well by it even as they rail against it. Sale repeats the standard accusations against modern technology, but his book is neither particularly well documented nor especially evocative. Where he differentiates his product from that of Rachel Carson and Ivan Illich is in his explicit attempt to co-opt the Luddite riots for his ideological purpose and to endow them with the values of activists chaining themselves to nuclear power plants or intellectuals on the talk-show tour. In this attempt the book fails to convince. Today's technophobes and Britain's Luddites of 1811–1816 have nothing in common.

Indeed, despite the alleged ravages inflicted by the "second Industrial Revolution" on modern society, Sale has to admit that Luddism is rare in the modern workplace. While a few instances of sabotage can always be cited, the modern work force seems oddly complacent in the face of the horrid damages caused, in Sale's account, by computers, chemicals, and other tools of technological destruction. Instead, modern "neo-Luddites" are nonspecific or consumer-oriented: the Union of Concerned Scientists, animal-rights groups, Greenpeace, and even unlikely organizations such as Aspartame Victims and Their Friends. Instead of machine breaking we have "ecotage," violent attempts to prevent acts alleged to be environmentally damaging.

Here and there Sale gets caught in inconvenient inconsistencies: He hails demonstrating French farmers disrupting traffic because "they were arguing for other values than those of capitalist enterprise, including rural communities and rural lifeways." Some cynics might suspect that the French farmer just wanted a larger slice of the industrial-capitalist pie. In any case, if these Luddite farmers have so much power, why were they not able to stop the proliferation of nuclear power plants in France?

The Luddites of England and the modern technophobe movements share one feature not acknowledged by Sale. Neither has been very successful in stopping the phenomenon they so detest. The Luddites were little more than a historical hiccup, as Sale is the first to admit. While he still feels their actions were "dramatic, forceful, honorable and authentic enough to have put the Luddites' issues forever on the record," it is clear that they did not make much of a dent in the progress of the Industrial Revolution. In similar fashion, the Sales and Rifkins of this world do not have a prayer of stopping modern technology, from computers to nuclear plants.

As long as they insist, with fellow-traveler Wendell Berry, that a new contraption should be adopted only if it is cheaper, smaller, and locally made; uses less energy; does not disrupt anything good that already exists (including family and community relationships); does not infringe on the rights of other species (plants and animals alike); and does not harm the interests of the next seven generations, the "neo-Luddite" movement will inspire derision rather than effective technological resistance.

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Whither Welfare?

By Martin Morse Wooster

Social Policy in the United States: Future Possibilities in Historical Perspective, by Theda Skocpol, Princeton: Princeton University Press, 312 pages, $29.95

IF YOU WANT TO FIGURE OUT WHERE TO go, it helps to know how you got to where you are. Unfortunately, the current debate over the welfare state tends to gloss over how and why we got the welfare programs we have. The decisions made—and not made—by New Deal planners shape our world 60 years later. Why is Social Security, for example, considered by many Americans to be a reward for a life of hard work while Aid to Families With Dependent Children is widely reviled for subsidizing sloth and indolence? Why are welfare policies set by the federal government but paid for by the states? Why didn't the New Dealers enact national health insurance or European-style child allowances?

The people primarily interested in welfare history these days are feminists and leftists, many of whom see the history of welfare as a branch of women's history. Despite their political biases, however, the best of these historians provide valuable information. For example, University of Wisconsin historian Joan Gordon's *Pitied But Not Entitled* (1994) is full of useful information on the ideas and principles of early-20th-century welfare reformers, once the reader takes into account Gordon's prejudice that every champion of expanding the welfare state is a hero.

Theda Skocpol, a Harvard sociologist, is also a writer whom both friends and foes of welfare ought to read. Her 1992 book *Protecting Soldiers and Mothers* has already become one of the standard histories of the origins of welfare programs.

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Theda Skocpol: The Harvard sociologist gives historical context to the current welfare debate. She shows that given the opportunity, our great-grandfathers were as eager to accept welfare as their descendants.

And *Social Policy in the United States*, a collection of articles from scholarly journals, asks questions about welfare its foes ought to answer.

Skocpol is a social democrat who would prefer the United States to have welfare programs as large and intrusive as the wealthier nations of Europe. She supports a national job-listing service, withholding child support from workers' wages, and Canadian-style national health insurance. She is, however, a very good historian. Although Skocpol's dry prose is often a chore to read, *Social Policy in the United States* is worth reading for insights she provides into parts of the history of welfare that are undeservedly forgotten.

HER BEST CHAPTER IS ON THE HISTORY OF Civil War pensions. We tend to assume, Skocpol argues, that 19th-century Americans were rugged individualists who disdained government handouts. But she shows that given the opportunity, our great-grandfathers were as eager to accept welfare as their descendants.

The growth in Civil War pensions was a consequence of the principles of the 19th-century Republican Party. Until Woodrow Wilson's election in 1912, the Republicans tended to be the big-government party, favoring high tariff barriers to help corporations. But because the federal government was very small, Republicans kept generating budget surpluses. Instead of cutting tariffs or other taxes, they thought up new things for the federal government to do with the extra money. The Civil War pension program was one result.

Pensions were first provided to Civil War veterans injured during their service. But in 1879, Congress passed a law that authorized one-time lump-sum arrears payments to any veteran who was deemed qualified for a pension but who had not yet applied. These arrears payments were quite large; they averaged $1,000 in an era when the average annual wage was $400. So claims for the pension program swelled from 1,600 a month to over 10,000 a month. As Eugene V. Smalley trenchantly observed in an 1884 article in *Century Magazine*, the effect of the arrears payments was to "stir up a multitude of people to apply for pensions who had never thought of this matter before. In one year 141,466 men who had not realized they were disabled until the Government offered a premium of a thousand dollars or more for the discovery of aches and disabilities, made application." Also emerging was a class of pension attorneys who, when not receiving payments from veterans, spent their days lobbying to make payments more generous.

Neither the Democrats nor the Republicans, Skocpol argues, were eager to cut the pension program and alienate potential voters. So pension payments grew and grew until, by the early 1890s, they consumed over 45 percent of the federal budget. In the 49th Congress (1885–1887), 40 percent of the bills passed by the House and 55 percent of those passed by the Senate were private bills adding to the pension rolls constituents who had been denied benefits. (Most of these bills were passed on Friday evenings, which quickly became known in Congress as "pension night.") The Pension Bureau, with over 2,000 employees at its height, became the biggest bureaucracy created up to that time. Only when pensioners began to die off in the late 1890s did the pension bud-

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get begin to shrink substantially, though veterans' benefits remained a major part of federal spending until the New Deal.

For Skocpol, the Civil War pension story is an example of a "precocious social spending state," since it was an important antecedent to later welfare spending. But given the wealth of detail she provides, it's easy to draw another conclusion—that the Civil War pension program could have told New Deal planners that entitlement programs, however small at first, inevitably grow, generating red tape and a class of beneficiaries demanding even larger subsidies.

SKOCPOL'S OTHER CHAPTERS DEAL WITH 20th-century history, particularly the New Deal era. They remind the market-oriented reader that, however bad FDR's welfare plans were, they were compromises. If the Democratic Party coalition of the 1930s had not included a large number of relatively conservative Southern Democrats, the New Deal could have resulted in even larger and more intrusive social welfare programs than were ultimately created.

A paper co-written with Edwin G. Amenta compares the ideas of social planners in Britain and America during World War II. British planners, led by William Beveridge, helped lay the intellectual framework for the massive expansion of the British welfare state that followed the Labor Party's triumph in the 1945 elections. But similar expansive plans were also hatched in America. In 1940, President Roosevelt convened a National Resources Planning Board, which was asked to formulate "national social and economic policies for the postwar period."

The board's report, issued in 1943, called for nationalizing welfare and unemployment compensation programs, extending Social Security to cover the disabled, and substantially expanding the federal health budget (though the board stopped short of recommending national health insurance). New Dealers in Congress were also active; a bill introduced in 1943 by Sen. Robert Wagner (D-N.Y.) and Rep. John Dingell Sr. (D-Mich.), father of the current Michigan congressman, would have boosted the welfare budget and provided for national public-works programs to ensure a (government) job for every American.

But while British social planners achieved their planned massive welfare state, their American counterparts failed. The Democrats in the 1940s were "not a functional equivalent of the Labor Party." Conservative Southern Democrats increasingly allied with Republicans to ensure an end to some New Deal programs, such as public-works jobs programs in 1942. For the New Deal to have been expanded after 1945, Skocpol and Amenta argue, "Americans would have had to elect a left-wing Democratic president and a majority of urban Democrats to Congress." The coalition that had ensured the New Deal had permanently shattered, and was only partially reconstructed by Lyndon Johnson during the 1964–68 era.

Skocpol also provides valuable insights into the origins of Social Security, the role women played in creating the American welfare state, and the differences between British and American labor unions. She concludes with several recent policy analyses which, because they lack historical analysis but include heavy helpings of arguments for making the welfare state fatter and more oppressive, are eminently skippable.

Still, if the American welfare state is ever to be dismantled, we need to know why it was created and what the planners of bygone eras were thinking. While Skocpol's conclusions will not persuade foes of the welfare state to change their minds, her dispassionate and thoughtful analysis of the origins of American social policy ensures that *Social Policy in the United States* ought to be read by anyone interested in welfare reform.

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'Hood Winks

By Thomas W. Hazlett

Victims and victors at the Million Man March

DID YOU SEE ME AT THE MILLION Man March on the Day of Atonement? I shouldn't have been hard to spot. I was the white guy.

I bought a cap and a button, and was as buzzed by the affair as the reporters who went ga-ga. It was a festive atmosphere. There was no hint of the rage that usually grips Nation of Islamers whenever the klieg lights go on.

But I wondered: What did these guys have to atone for? Most appeared industrious folks, businessmen, working stiffs, family men. I thought it curious that fellows who seemed to have nothing to be punished for were paying penance for the sins of others, their only connection being pigmentation. I decided not to wreck the mood by shouting, "Racist!"

I'm not surprised that the turnout was underestimated by the Park Service (I lost my own count at 231,456). What *was* surprising was how important it was to the marchers. The argument they gave was this: Every time you hear a stat involving black men, it's *negative*—the number in gangs, the percentage in prison, the jobless rate. The whole point of the "Million Man March" was to produce a huge *positive* number.

Question: On whose pocket calculator are the negatives punched? Answer: It is the Victimization Lobby that delights in showing us how poorly African American men have been served by capitalist America. The proof is in the numbers! The United States of America was served notice on the Capitol Mall: The decent, hardworking black man is tired of serving as the country's poster boy for failure.

But we've boxed the black man in. Ninety-nine percent of his life is the same *sleep–get showered–get to work–pick up the kids–pay the bills–remember to get the damn radiator leak fixed–call your mother* routine that the rest of us melanin-challenged peons expend our calories on. Making him out to be a worthless cast-off of Racist Amerika seems a bit harsh. Particularly to him. He may escape the 'hood, but it's tougher still to slip the chains of *victim*hood or white pity. We refuse him the American Dream. To embrace *our* Dream—so noble and Kingly an act just one generation ago—would be to sell out his roots, to "act white."

A black man who dares to make the leap to old-fashioned American values had better be prepared for combat. To wit: Colin Powell. He is a Norman Rockwell tableau, the plucky underdog triumphing in America. But, even by those who respect him, Powell is frequently labeled "white." It is a despicable charge. Naturally, it stings more powerfully amongst Africans than Anglos, and Powell's ratings are commensurately lower with black Americans. Still, Powell emerges as a great, patriotic hero; his four general's stars shielding him (partially) from the insult of quislinghood.

Minister Louis Farrakhan has quite another method of inoculation: scapegoating Jews and vilifying the "white devils." His approach to life is insanely racialist; why else the preoccupation with the color and creed of 18th-century slave traders when preaching salvation for young men today? It is not to excuse Farrakhan's maniacal metaphysics to note, however, the extreme conservatism of his Million Man March behavioral advice: Get off drugs, stay in school, get a job, don't commit crimes, respect your woman. A T-shirt I saw on a marcher would have made George Gilder blush. It said: "Man—the Provider, the Maintainer." Forget *Sexual Suicide*—it was quoting the Koran.

Farrakhan routinely condemns women's liberation, affirmative action (welfare for white women), and welfare (which sends the cash to women and so makes the man superfluous—the very crux of Gilder's critique). He lives his message: the mansion in an upscale Chicago neighborhood, a concert violinist, the short-cropped haircut (no do-rag for him). The suit and bow tie—a virtual uniform for Nation of Islam officials—brings back a custom so dorky even George Will has given up on it as insufficiently hep.

This preacher is no bad boy from the 'hood or the victimhood. He is a proud black man, supremely self-confident, independent of the blandishments of the welfare state. He now bellows the "family values" that need to be heard by black Americans. And who's going to call Louis Farrakhan an Uncle Tom?

Most commentators said that the Million Man March succeeded in showing the great humanity that survives in the souls of black men across America; the pundit debate was over whether one could "separate the message from the messenger." Certainly, people of good sense—who do not live in fear of the "white devils" or harbor an inordinate consciousness of the number 19—wanted to. Yet it was the consensus view that none but Farrakhan could have inspired such a celebration. Only the most dubious messenger could deliver *this* message.

Such is the debate over race in contemporary America. We have demonized our heroes and, in the process, empowered demons. The one man who is allowed to speak sense to a million men of color is a man who has proven his capacity for nonsense beyond all doubt.

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